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COOK AND OTHER ISLANDS GOVERNMENT.



A COMPILATION OF ACTS AND INSTRUMENTS C

RELATING TO THE

GOVERNMENT OF THE COOK AND OTHER ISLANDS,

TOGETHER WITH AN

APPENDIX

CONTAINING THE

FORMER LAWS OF RAROTONGA AND NIUE.

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WELLINGTON.

BY AUTHORITY: JOHN MACKAY, GOVERNMENT PRINTER.

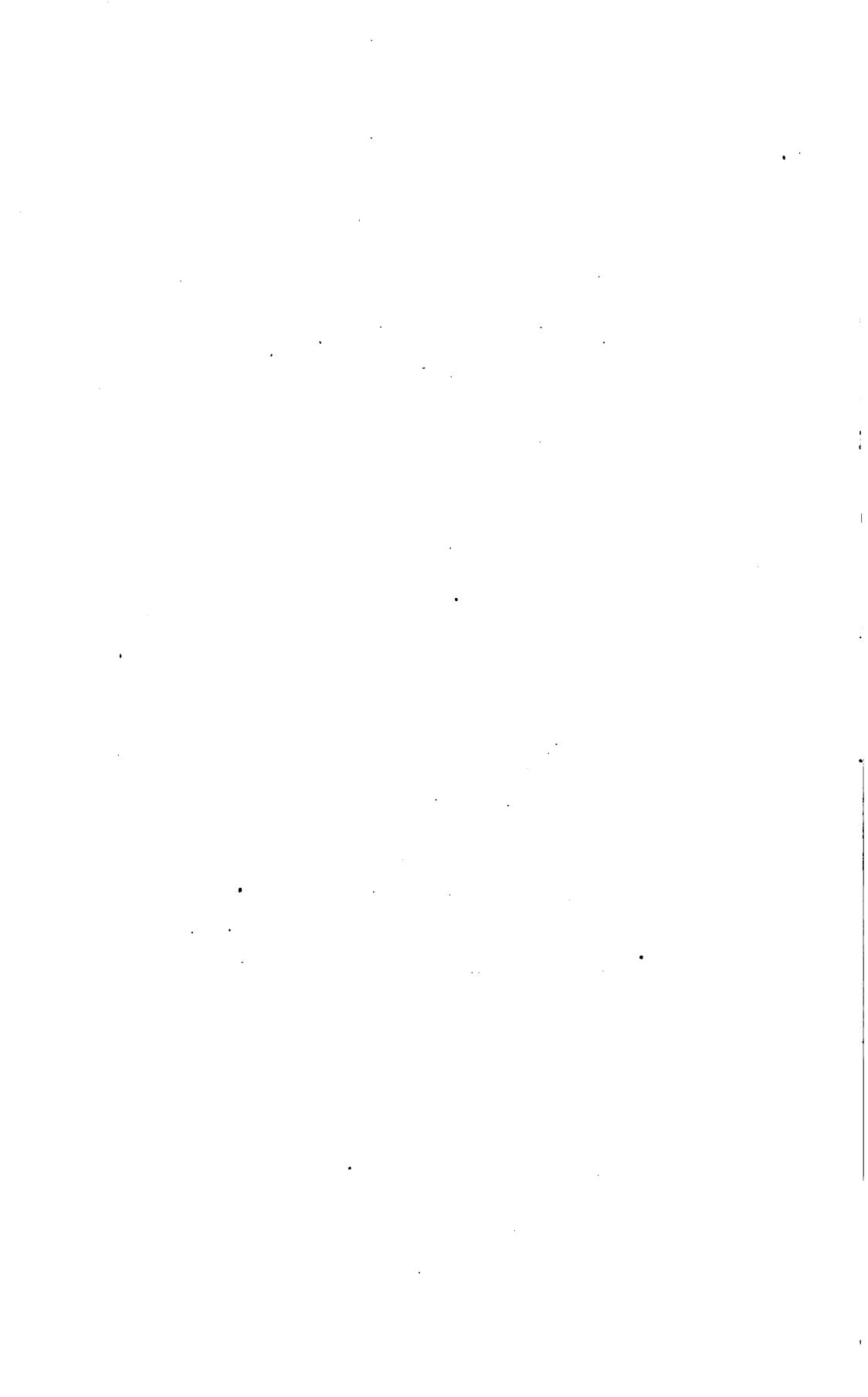
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APPROXIMATE DISTANCES.

Auckland to Rarotonga	1,638	miles.
Rarotonga to Mangaia	110	"
" Atiu ...	...	...	...	120	"
" Mauke	...	...	...	151	"
" Mitiaro	...	...	...	142	"
" Takutea	...	...	...	120	"
" Hervey (Manuae and Te Au-o-tu)...				128	"
" Aitutaki	...	...	...	140	"
" Palmerston	...	...	...	277	"
" Suwarrow	...	...	...	525	"
" Penrhyn	...	...	...	740	"
" Manihiki	...	...	...	650	"
" Rakahanga	...	...	...	670	"
" Pukapuka (Danger)	...	...	...	720	"
" Niue ...	...	...	...	590	"
Niue to Auckland ...	...	...	...	1,343	"



PREFACE.

THIS Compilation consists of the Acts and Ordinances now in force relating to the Cook and other Islands (except the Customs Acts of New Zealand), and also includes various Orders in Council and other instruments issued thereunder.

The statutes of Rarotonga, Aitutaki, Mangaia, Atiu, Mitiaro, and Mauke, passed by the Federal Parliament in 1899, consolidated and repealed all the ancient laws and all laws made by the Councils of those Islands, and so only the Island Ordinances passed therein since that year have been included.

All Acts and Ordinances, or parts thereof, which have been expressly repealed, or were never brought into operation, are shown in italic type. These repealed Acts and Ordinances have been printed as having an historical value and so as to preserve the continuity of the compilation.

The Appendix contains the laws in force in Rarotonga at the declaration of the British Protectorate (28th April, 1888), the laws of Rarotonga passed since such declaration and prior to the constitution of the Federal Parliament of Cook Islands, and the old laws of Niue, as revised in 1900.

The (Imperial) Pacific Islanders Protection Acts, 1872 and 1875, and the Pacific Order in Council, 1893, have not been inserted, as they have ceased to have effect in the Cook and other Islands.

An Index has been added, which it is hoped will facilitate reference to the whole work.

E. Y. REDWARD.

Crown Law Offices,
1st October, 1905.



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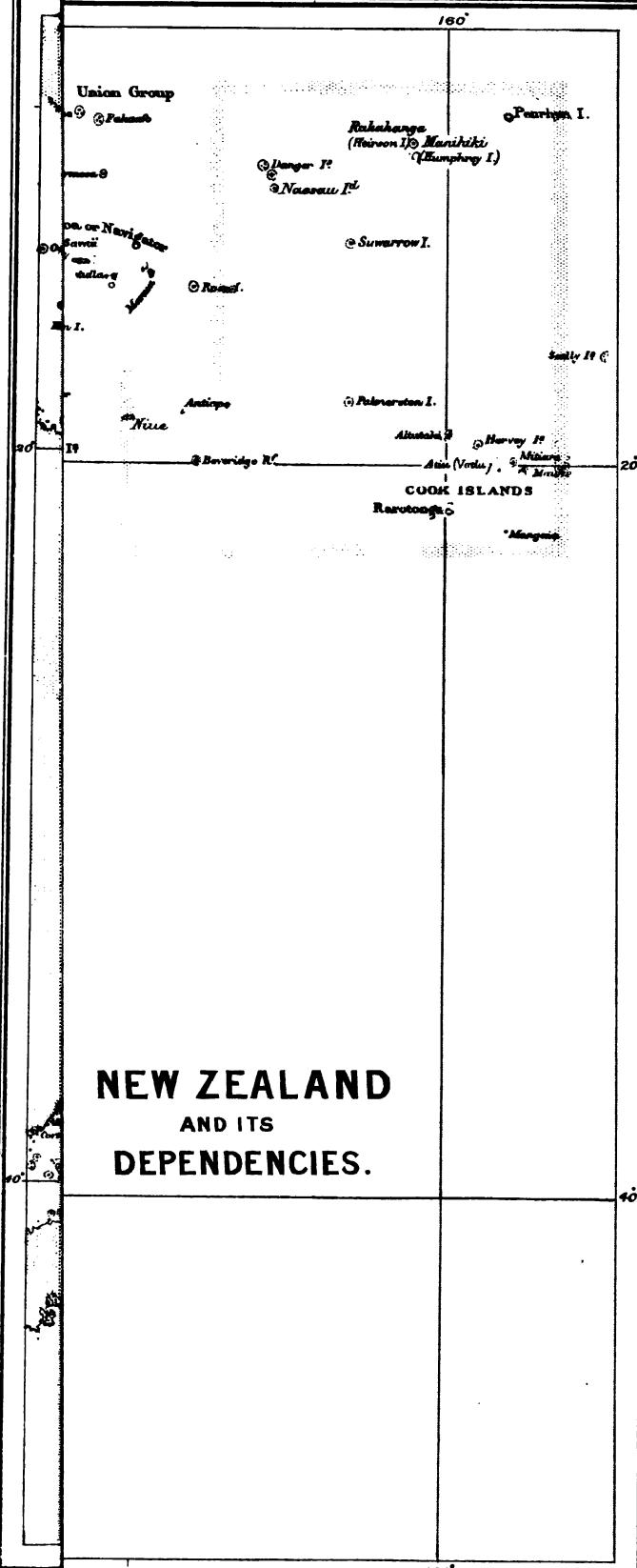
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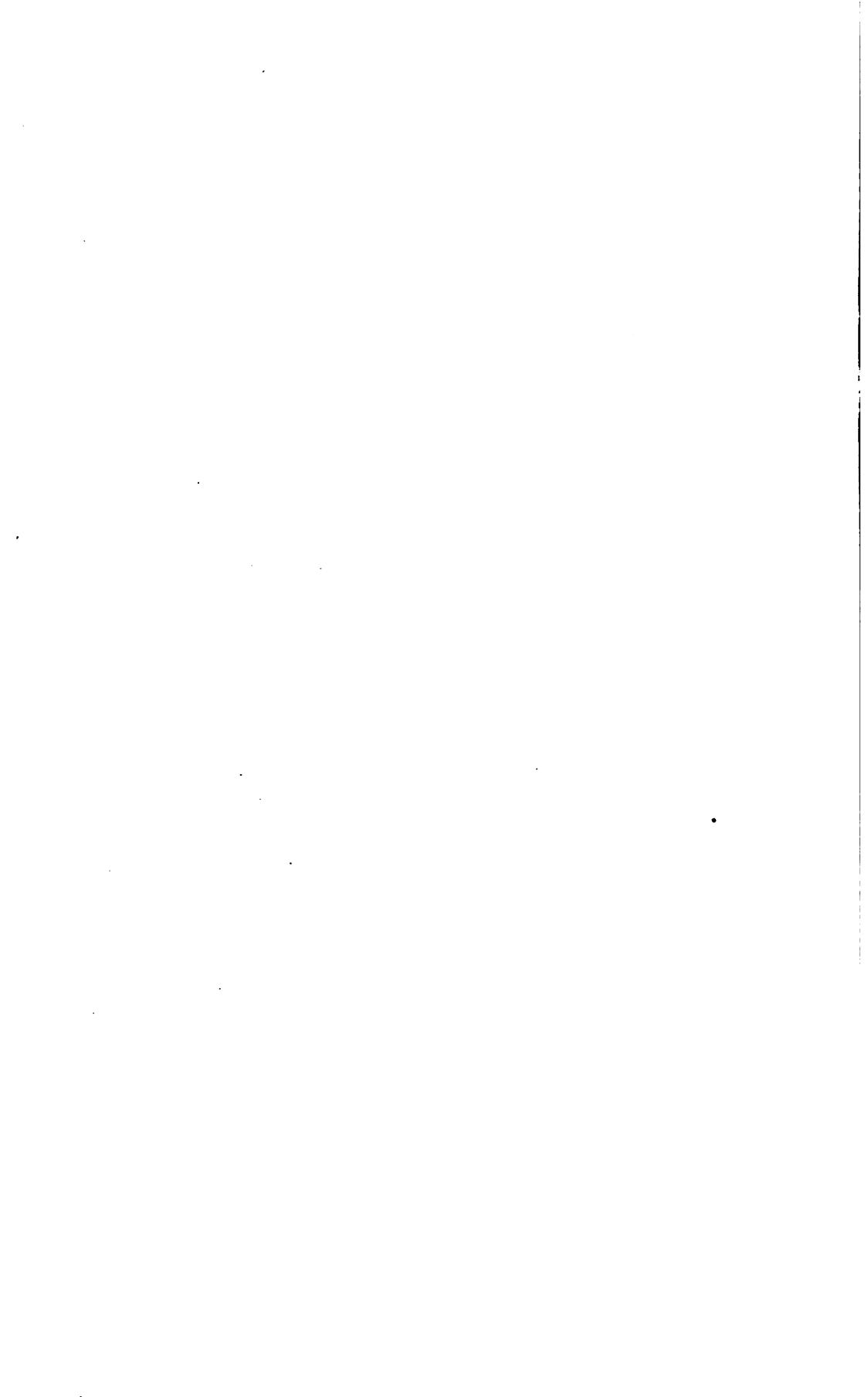
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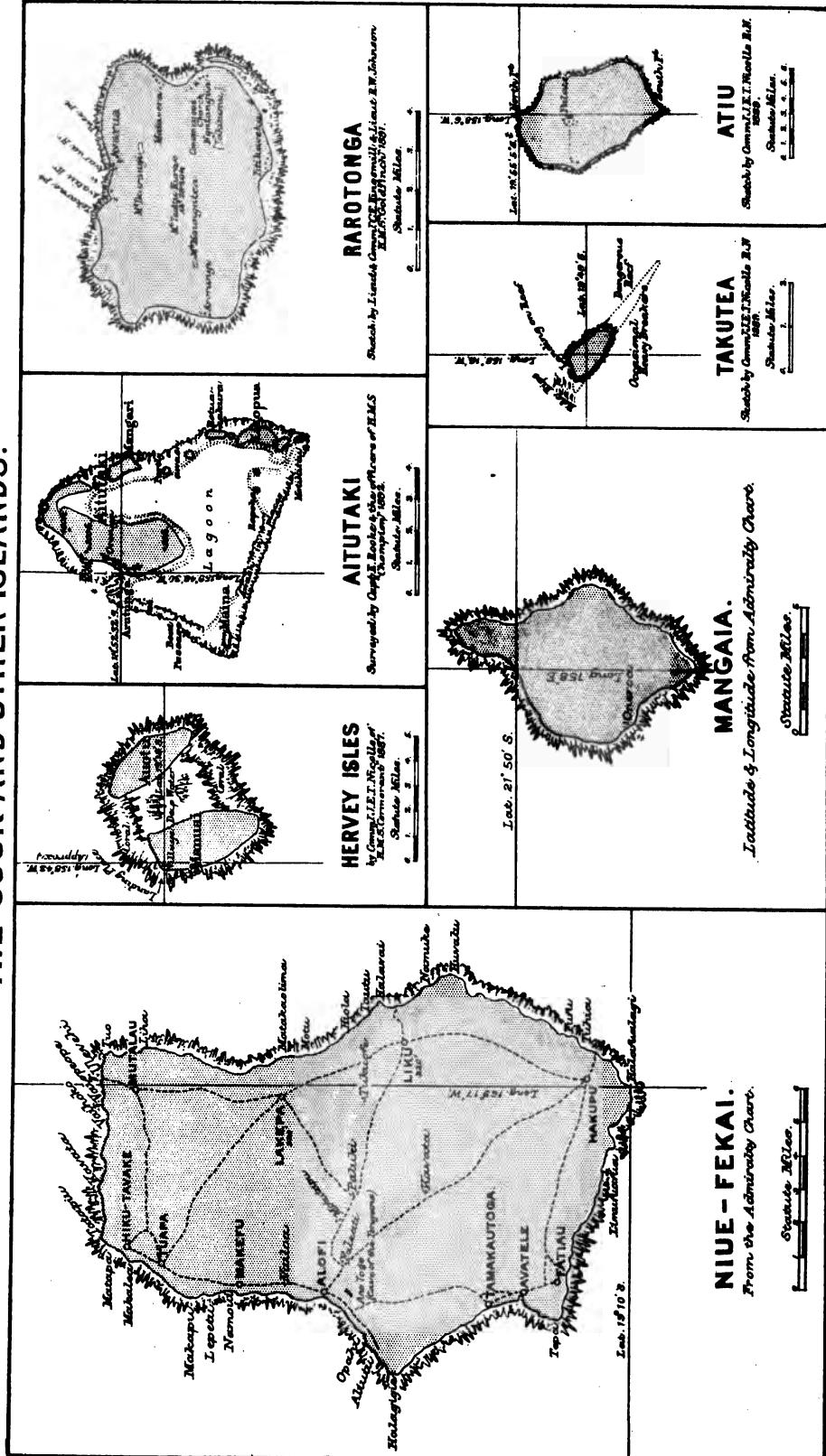
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NEW ZEALAND AND ITS DEPENDENCIES.



THE COOK AND OTHER ISLANDS.





A COMPILATION OF ACTS AND INSTRUMENTS

RELATING TO THE

GOVERNMENT OF THE COOK AND OTHER ISLANDS.

I. PRELIMINARY.

1. CESSIONS OF ISLANDS AND PROCLAMATIONS AS TO SOVEREIGNTY.*

CESSION OF RAROTONGA.

WE, the hereditary Arikis of Rarotonga, acting with the approval and consent of the Mataiapos and Rangatiras of the island, do hereby cede to Her Majesty Victoria, Queen of Great Britain and Ireland and Empress of India, the sovereignty of the said island, subject only to the condition that it shall be annexed as part and parcel of the British Empire.

MAKEA.	VAKAPORA.
TINOMANA.	VOIMUTU.
PA.	KAIMAITANA.
KARIKA.	V. MAOATA.
KAINUKU.	TEREI.
TARAARE.	TAMARUA.

Signed in our presence in the Palace of Makea, Ariki, at Rarotonga, on the 8th day of October, 1900.

W. E. GUDGEON,
British Resident.

F. GOODWIN,
Secretary to the Federal Government,
Cook Islands.

CESSION OF ATIU, MAUKE, MITIARO, AND TAKUTEA.

WE, the hereditary Arikis of Atiu, Mauke, Mitiaro, and Takutea, acting with the approval and consent of the Mataiapos and Rangatiras of the islands, do hereby cede to Her Majesty Victoria, Queen of Great Britain and Ireland

* See Appendix to Journals of House of Representatives for 1901, A.-1, p. 27.

and Empress of India, the sovereignty of the said islands, subject only to the condition that they shall be annexed as part and parcel of the British Empire.

NGAMARU.

Signed in our presence in the Palace of Makea, Ariki of Rarotonga, on the 8th day of October, 1900.

W. E. GUDGEON,

British Resident.

F. GOODWIN,

Secretary to the Federal Government,

Cook Islands.

CESSION OF MANUAE AND TE AU-O-TU.

WE, the hereditary Arikis of Manuae and Te Au-o-tu, acting with the approval and consent of the Mataiapos and Rangatiras of the island, do hereby cede to Her Majesty Victoria, Queen of Great Britain and Ireland, and Empress of India, the sovereignty of the said island, subject only to the condition that it shall be annexed as part and parcel of the British Empire.

JOHN PAKOTI, Ariki o Manuae.

Signed in our presence in the Courthouse of Aitutaki, on the 9th day of October, 1900.

W. E. GUDGEON,

British Resident.

FREDERICK GOODWIN,

Secretary to the Federal Government,

Cook Islands.

(Royal Arms.)

PROCLAMATION AS TO THE CESSATION OF CERTAIN ISLANDS IN THE PACIFIC OCEAN TO HER MAJESTY QUEEN VICTORIA.

WHEREAS it has been satisfactorily shown that the inhabitants of the islands in the Pacific Ocean specified or referred to in the Schedule hereto desire that the said islands and the full absolute sovereignty thereof should be ceded to Her Majesty Queen Victoria, to the intent that the said islands should form part of Her Majesty's dominions: Now, therefore, I, Uchter John Mark, Earl of Ranfurly, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, in the name and on behalf of Her Majesty Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, Empress of India, and by her command signified to me by the Principal Secretary of State for the Colonies, do hereby proclaim and declare that such cession is accepted by Her Majesty, and that on and from

the date of this Proclamation the said islands shall form part of Her Majesty's dominions, and the full and absolute sovereignty thereof shall be vested in Her Majesty and Her heirs for ever.

Given under my hand and seal, at Rarotonga, this 8th day of October, 1900.

Schedule.

The group of islands known as the Cook and Hervey Group, consisting amongst others of (approximately, as far as latitude and longitude is concerned),—

			Lat.	Long.
Rarotonga	..	..	21° 12' S.	159° 47' W.
Takutea	..	..	19° 49' S.	158° 16' W.
Atiu	..	..	20° 0' S.	158° 10' W.
Mitiaro	..	..	19° 49' S.	157° 10' W.
Mauke	..	..	20° 10' S.	157° 22' W.
Hervey (Manuae and Te Au-o-tu)			19° 18' S.	158° 43' W.

Witness—

RANFURLY.

MAKEA.

H. BAYNES, Captain, R.N.

(Royal Arms.)

PROCLAMATION AS TO TAKING POSSESSION OF CERTAIN ISLANDS IN THE PACIFIC OCEAN ON BEHALF OF HER MAJESTY QUEEN VICTORIA.

WHEREAS by command of Her Majesty Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, Empress of India, such command having been signified to me by Her Majesty's Principal Secretary of State for the Colonies, I have, in Her name and on Her behalf, by Proclamation of even date herewith, accepted the cession of the islands in the Pacific Ocean specified and referred to in the Schedule hereto, and declared them to be part of Her Majesty's dominions, and the full and absolute sovereignty thereof to be vested in Her Majesty and Her heirs for ever: And whereas the said islands now form part of Her Majesty's dominions accordingly: Now, therefore, I, Uchter John Mark, Earl of Ranfurly, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, do hereby proclaim and declare that by command of Her Majesty, signified to me in manner aforesaid, I have this day entered upon the Island of Rarotonga in the name of all the said islands and have taken formal possession of all the said islands in the name and on behalf of Her Majesty, by causing the hereinbefore recited Proclamation to be publicly read and Her Majesty's colours to be hoisted with the usual ceremony.

Given under my hand, at Rarotonga, this 8th day of October, 1900.

Schedule.

The group of islands known as the Cook and Hervey Group, consisting amongst others of approximately, as far as latitude and longitude is concerned,—

			Lat.	Long.
Rarotonga	..	..	21° 12' S.	159° 47' W.
Takutea	..	..	19° 49' S.	158° 16' W.
Atiu	..	..	20° 0' S.	158° 10' W.
Mitiaro	..	..	19° 49' S.	157° 10' W.
Mauke	..	..	20° 10' S.	157° 22' W.
Hervey (Manuae and Te Au-o-tu)			19° 18' S.	158° 43' W.

Witness—

RANFURLY.

MAKEA.

H. BAYNES, Captain, R.N.

CESSION OF MANGAIA.

WE, the hereditary Arikiis of Mangaia, acting with the approval and consent of the Mataiapos and Rangatiras of the island, do hereby cede to Her Majesty Victoria, Queen of Great Britain and Ireland and Empress of India, the sovereignty of the said island, subject only to the condition that it shall be annexed as part and parcel of the British Empire.

John, Ariki.	Ngaiherua.	Matoera.
Nooroa, Ariki.	Te Auitai.	Amene.
Mouruatangi.	Te Mangoro.	Ingatu.
Atii.	Pareina.	Tieke.
Aramamao.	Mauri.	Tenioiti.
Lourono.	Pokino.	Taapi.
Ngaorii.	Waipoiti.	Puroku.
Kirimanianiania.	Runatai.	Kaurarewa.
Li Opokione.	Kiripaori.	Pau te Au.
Ruataioti.	Oruru.	Te Au.
Ruaporu.	Tiraopu.	Auteirea.
Mataiti.	Williamu.	Makaiamo.

Signed in our presence, in the house of John Trego, Ariki, at Mangaia, on the 9th day of October, 1900.

W. E. GUDGEON,

British Resident.

F. GOODWIN,
Secretary to the Government, Cook Islands.

(Royal Arms.)

PROCLAMATION AS TO THE CESSION OF CERTAIN ISLANDS IN THE PACIFIC OCEAN TO HER MAJESTY QUEEN VICTORIA.

WHEREAS it has been satisfactorily shown that the inhabitants of the island in the Pacific Ocean specified or referred to in the Schedule hereto desire that the said island and the full and absolute sovereignty thereof should be ceded to Her Majesty Queen Victoria, to the intent that the said island should form part of Her Majesty's dominions: Now, therefore, I, Uchter John Mark, Earl of Ranfurly, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, in the name and on behalf of Her Majesty Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, Empress of India, and by Her command signified to me by the Principal Secretary of State for the Colonies, do hereby proclaim and declare that such cession is accepted by Her Majesty, and that on and from the date of this Proclamation the said island shall form part of Her Majesty's dominions, and the full and absolute sovereignty thereof shall be vested in Her Majesty and Her heirs for ever.

Given under my hand and seal, at Mangaia, this 9th day of October, 1900.

Schedule.

Mangaia.—Latitude, $21^{\circ} 55' S.$; longitude, $157^{\circ} 56' W.$

RANFURLY.

Witness—

JOHN TREGO, Ariki.

NOOROA, Ariki.

H. BAYNES, Captain, R.N.

(Royal Arms.)

PROCLAMATION AS TO TAKING POSSESSION OF CERTAIN ISLANDS IN THE PACIFIC OCEAN ON BEHALF OF HER MAJESTY QUEEN VICTORIA.

WHEREAS, by command of Her Majesty Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, Empress of India, such command having been signified to me by Her Majesty's Principal Secretary of State for the Colonies, I have, in Her name and on Her behalf, by Proclamation of even date herewith, accepted the cession of the island in the Pacific Ocean specified and referred to in the Schedule hereto, and declared it to be part of Her Majesty's dominions, and the full and absolute sovereignty thereof to be vested in Her Majesty and Her heirs for ever: And whereas the said island now forms part of Her Majesty's dominions accordingly: Now, therefore, I, Uchter John Mark, Earl of Ranfurly, Knight Commander of the Most Distinguished Order of Saint Michael

and Saint George, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, do hereby proclaim and declare that by command of Her Majesty, signified to me in manner aforesaid, I have this day entered upon the Island of Mangaia in the name of all the said islands, and have taken formal possession of the said island in the name and on behalf of Her Majesty by causing the hereinbefore recited Proclamation to be publicly read and Her Majesty's colours to be hoisted with the usual ceremony.

Given under my hand and seal, at Mangaia, this 9th day of October, 1900.

Schedule.

Mangaia—Latitude, $21^{\circ} 55' S.$; longitude, $157^{\circ} 56' W.$

RANFURLY.

Witness—

JOHN TREGO, Ariki.

NOOROA, Ariki.

H. BAYNES, Captain, R.N.

—
(Royal Arms.)

PROCLAMATION.

In the name of Her Majesty VICTORIA, Queen of the United Kingdom of Great Britain and Ireland, Empress of India.

WHEREAS I, Uchter John Mark, Earl of Ranfurly, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of New Zealand and its Dependencies, have it in command from Her Majesty Queen Victoria, through Her Principal Secretary of State for the Colonies, to assert Her Sovereign rights over the Island of Aitutaki, in the Cook Group: And whereas the said island is said to have been annexed during the year 1891, and for the past nine years it has been the boast of the native inhabitants thereof that they were not as other islands of the Pacific, but were absolutely subjects to Her Majesty: And whereas there is no official record in the islands or information forthcoming regarding this Act of Annexation: Now, therefore, I, Uchter John Mark, Earl of Ranfurly, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of New Zealand and its Dependencies, do hereby proclaim and declare to all men that, from and after the date of these presents, the full sovereignty of the Island of Aitutaki (latitude $18^{\circ} 55' S.$ longitude $159^{\circ} 49' W.$) vests, together with its dependencies, in Her Majesty Queen Victoria, Her heirs and successors for ever.

Given under my hand, at Aitutaki, this 9th day of October, 1900.

RANFURLY.

Witness—

W. E. GUDGEON, British Resident.

CONSENT TO TAKING POSSESSION OF NIUE.

WE the King and chiefs of the Island of Niue, do hereby consent to Her Majesty Queen Victoria taking possession of this island, and in proof thereof have hereunto subscribed our names this 19th day of October, 1900.

TOGIA,	TAGALOAILUGA (Liku).
Ko e Patuiki Niue Tekai.	LAGAHETAN (Tamalagan).
NIULOA (Alofi).	KAUTAPU (Mutalau).
SOSENE (Avatele).	HIPA (Tamaitokula).
KAPAGAHEMATA (Tamakautoga).	IKENEI (Uhomotu).
POKIHAGA (Tapiti).	MATIU (Makepu).
PULETAGALOA (Hakupu).	

Signatures witnessed by—Francis Edwin Lawes, Missionary of L. M. Society; Malcolm Ross, Special Correspondent, London *Times*, &c.; Frederick Goodwin, Secretary to the Federal Government, Cook Islands; W. E. Gudgeon, British Resident, Cook Islands.

(Royal Arms.)

PROCLAMATION.

In the name of Her Majesty VICTORIA, Queen of the United Kingdom of Great Britain and Ireland, Empress of India.

WHEREAS I, Uchter John Mark, Earl of Ranfurly, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief over the Colony of New Zealand and its Dependencies, have it in command from Her Majesty through her Principal Secretary of State for the Colonies, to assert Her Sovereign rights over the Island of Niue: And whereas the King and chiefs of the island have on more than one occasion sought to become subjects of Her Majesty: Now, therefore I, Uchter John Mark, Earl of Ranfurly, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of New Zealand and its Dependencies, do hereby proclaim and declare to all men that, from and after the date of these presents, the full sovereignty of the Island of Niue, situated in latitude 19° 2' S., and 169° 49' W., vests, together with its dependencies, in Her Majesty Queen Victoria, Her heirs and successors for ever, the said island having been taken possession of by Her Majesty with the consent of the King and local chiefs thereof.

Given under my hand at Niue, this 19th day of October, 1900.

RANFURLY

2. "THE COLONIAL BOUNDARIES ACT, 1895" (58 AND 59 VICT., CAP. 34).

AN ACT to provide in certain Cases for the Alteration of the Boundaries of Colonies. [6th July, 1895.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords, Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. (1.) Where the boundaries of a colony have, either before or after the passing of this Act, been altered by Her Majesty the Queen by Order in Council or Letters Patent the boundaries as so altered shall be and be deemed to have been from the date of the alteration the boundaries of the colony.

(2.) Provided that the consent of a self-governing colony shall be required for the alteration of the boundaries thereof.

(3.) In this Act "self-governing colony" means any of the colonies specified in the Schedule to this Act.

2. This Act may be cited as "The Colonial Boundaries Act, 1895."

SCHEDULE.

Self-governing Colonies.

Canada.	Western Australia.
Newfoundland.	Tasmania.
New South Wales.	New Zealand.
Victoria.	Cape of Good Hope.
South Australia.	Natal.
Queensland.	

3. ORDER IN COUNCIL (IMPERIAL) EXTENDING BOUNDARIES OF COLONY OF NEW ZEALAND.

At the Court at Saint James's, the thirteenth day of May, 1901. Present : The King's Most Excellent Majesty in Council.

WHEREAS by "The Colonial Boundaries Act, 1895," it is provided that where the boundaries of a colony have, either before or after the passing of that Act, been altered by Order in Council or Letters Patent, the boundaries as so altered shall be and be deemed to have been from the date of

the alteration the boundaries of the colony : provided that the consent of a self-governing colony shall be required for the alteration of the boundaries thereof :

And whereas it is expedient that the boundaries of the self-governing Colony of New Zealand should be altered in such manner that the Islands of the Cook Group, and such other islands in the Pacific within the limits hereinafter described as may now or hereafter form part of His Majesty's dominions, shall become part of the said Colony of New Zealand :

And whereas the said Colony of New Zealand has, by resolutions of both Houses of its Legislature, consented to the alteration of the boundaries of the colony as hereinafter described :

Now, therefore, His Majesty, by virtue and in exercise of the powers by "The Colonial Boundaries Act, 1895," or otherwise in His Majesty vested, is pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered, as follows : From and after a date to be appointed by the Governor of the Colony of New Zealand by Proclamation under his hand and the public seal of the colony, the boundaries of the Colony of New Zealand, as defined in an Act of the twenty-sixth year of the reign of Her late Majesty Queen Victoria, intituled "An Act to alter the Boundaries of New Zealand," shall be extended so as to include all the islands and territories which now or may hereafter form part of His Majesty's dominions situate within the following boundary-line, viz. :—

A line commencing at a point at the intersection of the twenty-third degree of south latitude and the one-hundred-and-fifty-sixth degree of longitude west of Greenwich, and proceeding due north to the point of intersection of the eighth degree of south latitude and the one-hundred-and-fifty-sixth degree of longitude west of Greenwich ; thence due west to the point of intersection of the eighth degree of south latitude and the one-hundred-and-sixty-seventh degree of longitude west of Greenwich ; thence due south to the point of intersection of the seventeenth degree of south latitude and the one-hundred-and-sixty-seventh degree of longitude west of Greenwich ; thence due west to the point of intersection of the seventeenth degree of south latitude and the one-hundred-and-seventieth degree of longitude west of Greenwich ; thence due south to the point of intersection of the twenty-third degree of south latitude and the one-hundred-and-seventieth degree of longitude west of Greenwich ; and thence due east to the starting-point at the intersection of the twenty-third degree of south latitude and the one-hundred-and-fifty-sixth degree of longitude west of Greenwich.

A. W. FITZROY.

4. PROCLAMATION BY GOVERNOR APPOINTING DATE OF
EXTENSION OF BOUNDARIES.

RANFURLY, Governor.

WHEREAS by Order in Council dated the thirteenth day of May, one thousand nine hundred and one, and made under "The Colonial Boundaries Act, 1895," it has been ordered by His Majesty the King that on and after a date to be appointed by the Governor of the Colony of New Zealand, by Proclamation under his hand and the public seal of the colony, the boundaries of the Colony of New Zealand should be extended so as to include the Islands of the Cook Group and all other the islands and territories then or thereafter forming part of His Majesty's dominions situate within the boundary-lines therein mentioned, being the boundary-lines specified in the Schedule hereto :

And whereas the aforesaid extension of boundaries has been consented to by resolution of both Houses of the General Assembly of the colony :

Now, therefore, in exercise of the powers conferred upon me by the said Order in Council, and of all other powers and authorities enabling me in this behalf, and in the presence of His Royal Highness the Duke of Cornwall and York, who in token thereof hath been graciously pleased to sign his name hereto, I, Uchter John Mark, Earl of Ranfurly, the Governor of the Colony of New Zealand, do hereby proclaim and appoint the eleventh day of June, one thousand nine hundred and one, to be the date on and after which the boundaries of the colony shall be and be deemed to be extended, as specified in the said Order in Council.

SCHEDULE.

Boundary-lines.

A line commencing at a point at the intersection of the twenty-third degree of south latitude and the one-hundred-and-fifty-sixth degree of longitude west of Greenwich, and proceeding due north to the point of intersection of the eighth degree of south latitude and the one-hundred-and-fifty-sixth degree of longitude west of Greenwich; thence due west to the point of intersection of the eighth degree of south latitude and the one-hundred-and-sixty-seventh degree of longitude west of Greenwich; thence due south to the point of intersection of the seventeenth degree of south latitude and the one-hundred-and-sixty-seventh degree of longitude west of Greenwich; thence due west to the point of intersection of the seventeenth degree of south latitude and the one-hundred-and-seventieth degree of longitude west of Greenwich; thence due south to the point of intersection of the twenty-third degree of south latitude and the one-hundred-and-seventieth degree of longitude west of Greenwich; and thence

due east to the point of intersection of the twenty-third degree of south latitude and the one-hundred-and-fifty-sixth degree of longitude west of Greenwich.

Given under the hand of His Excellency the Right Honourable Uchter John Mark, Earl of Ranfurly ; Knight Commander of the Most Distinguished Order of Saint Michael and Saint George ; Governor and Commander-in-Chief in and over His Majesty's Colony of New Zealand and its Dependencies ; and issued under the Seal of the said Colony, at the Government House, at Auckland, this tenth day of June, in the year of our Lord one thousand nine hundred and one.

	R. J. SEDDON.	W. C. WALKER.
GEORGE.	J. G. WARD.	JAS. MCGOWAN.
	J. CARROLL.	T. Y. DUNCAN.
	Wm. HALL-JONES.	C. H. MILLS.

Approved in Council,
 J. F. ANDREWS,
 Acting Clerk of the Executive Council.

GOD SAVE THE KING !

II. ACTS OF THE GENERAL ASSEMBLY OF NEW ZEALAND

1. "THE COOK AND OTHER ISLANDS GOVERNMENT ACT, 1901."

1901, No. 44.

AN ACT to provide temporarily for the Government of the Cook and other Islands in the Pacific within the Boundaries of the Colony of New Zealand. [7th November, 1901.

WHEREAS, by Order in Council dated the thirteenth day of May, one thousand nine hundred and one, and made under "The Colonial Boundaries Act, 1895," it was ordered by his Majesty the King (with the consent of the General Assembly, testified by resolution of both Houses of the said General Assembly) that on and after a date to be appointed by the Governor by Proclamation the Islands of the Cook Group and all other the islands and territories then or thereafter forming part of His Majesty's dominions situate within the boundary-lines set forth in the Schedule hereto (hereinafter referred to as "the said Islands") should form part of the Colony of New Zealand: And whereas by Proclamation dated the tenth day of June, one thousand nine hundred and one, the Governor appointed the eleventh day of June, one thousand nine hundred and one, to be the date on and after which the said Order in Council should come into effect: And whereas it is expedient to make temporary provision for the administration of the Government in the said Islands:

Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The Cook and other Islands Government Act, 1901,"; and it shall be deemed to have commenced and come into operation on the said eleventh day of June, one thousand nine hundred and one, being the date on which His Majesty's said recited Order in Council came into effect.

2. Subject to the provisions of this Act, the laws in force in the said Islands at the commencement of this Act (including the local laws, customs, and usages of the Native inhabitants, in so far as the same are not repugnant to the general principles of humanity) shall continue until other provision is made, and, subject as aforesaid, the statute laws of New Zealand shall not be in force in the said Islands:

Provided that the Governor, by Order in Council, may from time to time direct that any of the laws in force in the said Islands at the commencement of this Act may be modified or repealed.

[3. *The Governor, by Order in Council, may from time to time direct that any of the laws in force in New Zealand, other than the laws relating to the sale of alcoholic liquors, shall have operation and be observed in the said Islands as in his opinion are expedient for the peace, order, good government, and welfare of the inhabitants.]**

4. (1.) Subject as aforesaid, the Courts of justice in existence in the said Islands at the commencement of this Act, and the Judges and officers thereof, and the jurisdiction, practice, and procedure thereof, shall continue until other provision is made :

Provided that the jurisdiction of the High Court shall extend to all the said Islands.†

(2.) There shall be an appeal from the decisions of the High Court of the said Islands to the Supreme Court of New Zealand, and thence to the Court of Appeal of New Zealand, in such cases and subject to such rules and regulations as are from time to time made in that behalf by the Governor in Council with the concurrence of any two or more of the Judges of the Supreme Court.‡

(3.) Appeals to the Supreme Court may be heard and determined at any sitting of the Supreme Court in New Zealand, or by any Judge of the Supreme Court sitting at Rarotonga, on such dates as shall be appointed by the Governor in Council.

(4.) The rules and regulations made under this section may provide, *inter alia*, that appeals to the Supreme Court may be by way of case stated, with the legal argument (if any) attached thereto in writing, and it shall not be necessary in any such case for the parties to appear either personally or by counsel.

5. (1.) The Governor may from time to time appoint some fit person to administer the Government in the said Islands, who shall be called "the Resident Commissioner," and shall have such powers and duties as may from time to time be determined by the Governor by Order in Council.§

(2.) Pending any such Order in Council, and subject thereto, the Resident Commissioner shall have and exercise all such powers and duties as were possessed by the late British Resident Agent of the said Islands.

(3.) The person now acting as Representative of the New Zealand Government shall be deemed to be the Resident Commissioner appointed under this Act.

(4.) The Governor may also from time to time appoint such officers and assign to them such powers and duties, either in the said Islands or in any one or more of them, as he thinks fit.

(5.) All officers of the Government in office at the commencement of this Act shall be deemed to have been appointed under this Act.

* Repealed by 1902, No. 34, sec. 3. † Except Niue Island (see 1903, No. 89, sec. 5).
 ‡ See Order in Council making rules, *post*. § Resident Commissioner for Niue (see 1903, No. 89, sec. 4).

6. The Governor, by Order in Council, may from time to time establish a tribunal or appoint an officer or officers, with such powers and functions as he thinks fit, in order to ascertain and determine the title to land within the said Islands, distinguishing titles acquired by native customs and usage from titles otherwise lawfully acquired; and may provide for the issue of instruments of title, and generally make such provisions in the premises as he thinks fit.

7. (1.) The Federal Parliament and the Native Councils existing at the commencement of this Act may continue, but shall hereafter be called the "Federal Council" and "Island Councils" respectively, and the enactments made by them shall hereafter be called "Federal Ordinances" in the case of the Federal Council and "local Ordinances" in the case of the Island Councils.

[(2.) *In Niue Island there shall be a Council to be called the "Niue Island Council," consisting of not more than nine members, who shall from time to time be nominated by the Governor on the recommendation of the Resident Commissioner made after consultation with the Arikis and inhabitants of the Island.]**

8. Subject to this Act, the said Councils shall have the following powers respectively, that is to say,—

(1.) The Federal Council shall have the power to make Federal Ordinances for the government and welfare of all the said Islands and the inhabitants thereof;†

(2.) Each of the Island Councils (*other than the Niue Island Council*)* shall have the power to make local Ordinances for the government and welfare of the inhabitants within its jurisdiction; and

[(3.) *The Niue Island Council shall have the power to make local Ordinances for the government and welfare of the inhabitants within its jurisdiction :]**

Provided that such Federal and local Ordinances shall be transmitted by the Resident Commissioner to the Governor, and shall have no force or effect until assented to by the Governor in the name and on behalf of His Majesty.

9. All Federal and local Ordinances assented to by the Governor shall be laid on the table of both Houses within ten days of the meeting of Parliament.

10. (1.) There shall be paid on all goods imported into the said Islands duties of Customs in accordance with the New Zealand tariff.‡

(2.) There shall be paid on all goods imported into the said Islands from any place or country other than New Zealand, and which would in New Zealand be admitted free of duty, such *ad valorem* duty, not exceeding ten per centum, as the Governor from time to time by Order in Council determines.

(3.) No drawback shall be paid in New Zealand on goods shipped to the said Islands.

* Repealed by 1902, No. 34, sec. 4. † Except Niue Island (see 1903, No. 89, sec. 6). ‡ Amended by 1902, No. 34, sec. 5; and 1903, No. 89, sec. 3.

(4.) All goods the produce or manufacture of New Zealand, and all goods on which duty has been paid in New Zealand, or which have been imported and entered into New Zealand free of duty, shall be admitted to the said Islands free of duty, and, similarly, all goods the produce or manufacture of the said Islands or on which duty has been paid in the said Islands shall be admitted to New Zealand free of duty.

(5.) "The Customs Laws Consolidation Act, 1882," and all other laws relating to Customs now in force in New Zealand, shall be deemed to be in force in the said Islands.

11. For the purposes of "The Shipping and Seamen's Act, 1877,"* ships trading to or going between the said Islands and New Zealand shall not be deemed to be Home-trade ships.

12. For the purposes of sections two, three, four, ten, and eleven hereof the expression "New Zealand" shall be deemed not to include the said Islands.

13. The Governor may from time to time, by Warrant or Order,—

(1.) Appoint any port or ports in the said Islands to be the only port or ports for the entry of ships and the landing of goods;

(2.) Prohibit, either absolutely or subject to such conditions as he thinks fit, the importation into the said Islands of arms or other munitions of war, intoxicating liquors, opium, or any other article of any kind which in his opinion is likely to be injurious to the inhabitants;

(3.) Impose penalties for the breach of any such Warrant or Order, and make provision for the recovery of any such penalty by forfeiture of the ship or goods, or otherwise; and

(4.) Delegate to the Resident Commissioner all or any of the powers by this section conferred upon the Governor.

14. The public revenues of the said Islands shall be available for defraying the public expenditure thereof;† and the Governor may from time to time make such provisions and regulations as he deems necessary for the receipt, expenditure, control, and audit of public moneys in the said Islands.

15. (1.) The Governor may from time to time, by Proclamation, set aside Crown lands within the said Islands to be reserves for the purpose of Imperial or colonial naval or military defence, or any other specified public purpose.‡

(2.) Such Proclamation shall be conclusive evidence that the lands specified therein as Crown lands are in fact Crown lands for the purposes of this Act.

(3.) With respect to reserves for Imperial naval and military defence, the following special provisions shall apply:—

(a.) Upon being informed by His Majesty's Secretary of State for the

* Now "The Shipping and Seamen Act 1903." † As to Niue Island (see 1903, No. 89, sec. 7). ‡ Extended by 1904, No. 22, sec. 4.

Colonies as to who is the proper person or authority in whom any reserve ought to be vested for the Imperial naval or military service of His Majesty, the Governor may, by Proclamation, vest the same in such person or authority and his or their successors in office for an estate in fee-simple in trust, to hold and use the same for the Imperial naval or military service of His Majesty, as the case may be, according to the tenor of the Proclamation, and for no other purpose.

(b.) Upon being satisfied that any such reserve is no longer required for the purpose for which it is so vested as aforesaid the Governor may, by Proclamation, revoke the vesting Proclamation, and thereupon the title created by the vesting Proclamation shall be deemed to be divested, and the reserve shall revert to His Majesty as Crown land and be liable to be dealt with accordingly in like manner in all respects as if the vesting Proclamation had never been made :

Provided that all works, buildings, and machinery erected on the reserve during the currency of the vesting Proclamation may be removed or otherwise disposed of in such manner as the naval, or, as the case may be, the military, authorities of His Majesty think fit, and within such period after the reversion of the reserve as may be agreed on between the Governor and them.

(4.) All reserves (other than those for Imperial naval or military purposes) shall be held and administered by such persons, in such manner, and subject to such conditions as are from time to time prescribed by the Governor, or any person or authority empowered by the Governor in that behalf.

[16. *This Act shall remain in force until ten days after the expiration of the next session of Parliament, and no longer, unless further by Act of the General Assembly extended.]**

SCHEDULE.

Boundary-lines.

A LINE commencing at a point at the intersection of the twenty-third degree of south latitude and the one-hundred-and-fifty-sixth degree of longitude west of Greenwich, and proceeding due north to the point of intersection of the eighth degree of south latitude and the one-hundred-and-fifty-sixth degree of longitude west of Greenwich; thence due west to the point of intersection of the eighth degree of south latitude and the one-hundred-and-sixty-seventh degree of longitude west of Greenwich; thence due south to the point of intersection of the seventeenth degree of south latitude and the one-hundred-and-sixty-seventh degree of longitude west of Greenwich; thence due west to the point of intersection of the seventeenth degree of south latitude and the one-hundred-and-seventieth degree of longitude

* Repealed by 1902, No. 34, sec. 7.

west of Greenwich ; thence due south to the point of intersection of the twenty-third degree of south latitude and the one-hundred-and-seventieth degree of longitude west of Greenwich ; and thence due east to the starting-point at the intersection of the twenty-third degree of south latitude and the one-hundred-and-fifty-sixth degree of longitude west of Greenwich.

2. "THE COOK AND OTHER ISLANDS GOVERNMENT ACT
AMENDMENT ACT, 1902."

1902, No. 34.

AN ACT to amend "The Cook and other Islands Government Act, 1901."

[1st October, 1902.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—

1. The Short Title of this Act is "The Cook and other Islands Government Act Amendment Act, 1902" ; and it shall form part of and be read together with "The Cook and other Islands Government Act, 1901" (hereinafter referred to as "the principal Act").

2. All appointments and other exercises of authority made by the Governor (either before or after the commencement of this Act) in respect of the said Islands shall be deemed to be valid which would if made in respect of New Zealand proper have been valid.

3. (1.) The Governor may from time to time by Order in Council direct that any of the laws in force in New Zealand proper (other than the laws relating to the sale of alcoholic liquors) shall have operation and be observed in the said Islands, either in whole or with such modifications as may be necessary to adapt them to the conditions and circumstances of the said Islands and the inhabitants thereof.

(2.) This section is in substitution of section three of the principal Act, which section is hereby accordingly repealed.

4. Whereas at the commencement of the principal Act there existed a Native Council for Niue Island, and it is expedient that such Council should continue as an Island Council : It is therefore hereby enacted that all references in the principal Act to the Niue Island Council are hereby repealed, and the provisions relating to Island Councils and their enactments shall, as from such commencement, apply to the said Native Council and its enactments.

5. (1.) Notwithstanding anything in the principal Act, the Governor may from time to time by Order in Council modify the New Zealand Customs tariff in its application to goods imported into Niue Island, provided

that such modification shall not have the effect of imposing higher duties in Niue than those prescribed by the New Zealand tariff.*

[2.(.) *Such order may also impose a duty not exceeding ten per centum to be levied in Niue on goods shipped duty-paid in New Zealand, and on goods the produce or manufacture of New Zealand, and in the event of such Order being issued it shall, so long as such Order is in force, be lawful to pay drawback in New Zealand on goods shipped to Niue.]†*

(3.) In the event of the rate of duty on tobacco prescribed by the New Zealand tariff being modified as aforesaid, the Governor in Council may make regulations prescribing the conditions under which tobacco on which duty has been paid at Niue may be shipped or removed to the other islands or to New Zealand, and imposing penalties for the breach of such regulations.

6. The Governor may from time to time, by Order in Council, prohibit absolutely, or except in accordance with regulations under this Act, the introduction into New Zealand proper from the Cook or other Islands of any plant, fruit, fungus, parasite, or any other thing which in his opinion is likely to introduce insect-pest or disease.

[7. *Section sixteen of the principal Act (limiting the duration of the Act) is hereby repealed, and that Act shall continue in force for two years from the coming into operation of this Act.]‡*

**3. "THE COOK AND OTHER ISLANDS GOVERNMENT ACT
AMENDMENT ACT, 1903."**

1903, No. 89.

AN ACT to make Better Provision for the Government of the Cook and other Islands. [23rd November, 1903.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—

1. The Short Title of this Act is "The Cook and other Islands Government Act Amendment Act, 1903"; and it shall form part of and be read together with "The Cook and other Islands Government Act, 1901" (hereinafter referred to as "the principal Act").

2. (1.) The Federal Council as constituted at the passing of this Act shall be deemed to be validly constituted, and all Ordinances passed by it shall be deemed to have been validly passed, and shall have effect according to the tenor thereof.

* Sec. 5 extended to all the Islands, 1903, No. 89, sec. 3.
No. 89, sec. 3.

† Repealed by 1903,

‡ Superseded by 1904, No. 22, sec. 2.

(2.) Notwithstanding anything in section seven of the Act passed by the Federal Parliament the Short Title whereof is "The Constitution Act 1891 Amendment Act, 1899," the members of the present Federal Council shall remain in office until the thirty-first day of December, one thousand nine hundred and four..

3. (1.) Subsection two of section five of "The Cook and other Islands Government Act Amendment Act, 1902," is hereby repealed.

(2.) The said section five so amended shall, *mutatis mutandis*, extend and apply to all the said Islands.

(3.) Any Order in Council made either under the said section five or this section shall be laid before Parliament within twenty days after the commencement of the then next ensuing session.

4. (1.) The Governor may from time to time appoint some fit person to administer the Government in the Island of Niue, who shall be called "the Resident Commissioner," and shall have such powers and duties as may from time to time be determined by the Governor.

(2.) On such appointment being made, the Resident Commissioner appointed under the principal Act shall have no power or jurisdiction over the Island of Niue.

5. (1.) The High Court referred to in section four of the principal Act shall have no jurisdiction over the Island of Niue.

(2.) The Governor in Council, with the concurrence of any two or more of the Judges of the Supreme Court, may from time to time make rules providing in what cases appeals shall lie to the Supreme Court from the decision of any Court lawfully held in Niue, and the mode of procedure thereon.

6. (1.) From and after the passing of this Act the Island of Niue shall not be represented in the Federal Council, nor shall such Council have any authority or jurisdiction over that island.

(2.) All Ordinances heretofore made by the Federal Council are hereby repealed so far as the same affect the Island of Niue.

7. The public revenue of Niue shall be available only for defraying the cost of the administration and other expenditure in, for, and on behalf of the said island.

8. Except as provided in this Act, nothing herein shall affect or be deemed to repeal any of the provisions of the principal Act, either as regards the Island of Niue or any other of the islands referred to in that Act.

4. "THE COOK AND OTHER ISLANDS GOVERNMENT ACT
AMENDMENT ACT, 1904."

1904, No. 22.

AN ACT to amend "The Cook and other Islands Government Act, 1901."

[26th October, 1904.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The Cook and other Islands Government Act Amendment Act, 1904"; and it shall form part of and be read together with "The Cook and other Islands Government Act, 1901" (hereinafter referred to as "the principal Act").

2. Notwithstanding anything to the contrary in "The Cook and other Islands Government Act Amendment Act, 1902" (limiting the duration of the principal Act), the principal Act and its amendments shall continue in force and be deemed to have continued in force as if such limit had not been imposed.

3. (1.) The Governor may from time to time, by notice in the *Cook Islands Gazette*, take any lands in the said Islands required for townships, landing-places, public fisheries, or any public work within the meaning of "The Public Works Act, 1894."

(2.) On the gazetting of such notice the land referred to therein shall, by virtue of this Act, vest absolutely in His Majesty as lands of the Crown, freed and discharged from all claims, estates, and interests of any other person, and shall be held and administered for the purposes specified in the notice.

(3.) A copy of such notice shall be filed in the office of the Registrar of the Cook and other Islands Land Titles Court.

(4.) The Registrar shall give notice to every person who appears or is known to be the owner of the land so taken that a sitting of the said Court will be held, at a time and place specified in the notice, to determine the owners of the land, and the amount of compensation, if any, payable to them.

(5.) Such sitting of the Court shall not be held sooner than one month after the giving of such notice.

(6.) Any person who claims to be the owner of the land shall, before the date specified in the notice as aforesaid, file with the Registrar a statement in writing of the nature of his interest in the land, and the amount of compensation claimed for the same.

(7.) On the day specified as aforesaid the Court shall proceed to determine the owners of the land and the amount of compensation payable to

them, and such compensation shall be payable out of the public revenues of the said Islands.

(8.) The Governor may from time to time make regulations prescribing the mode of making and assessing such compensation claims, and generally whatever he thinks necessary in order to give full effect to this section.

(9.) For the purposes of this section the term "owner" shall be deemed to include every person having any estate or interest in the land.

(10.) All lands taken under this section for townships shall be dealt with in manner prescribed by regulations to be made by the Governor.

4. With respect to any Crown lands proclaimed under section fifteen of the principal Act as a reserve for public pearl-shell fishing or public turtle fishing the following provisions shall apply:—

(a.) The persons administering the reserve may from time to time make regulations—

(i.) Regulating the use of diving-machines, and prescribing the conditions under which licenses may be granted for the use of such machines;

(ii.) Fixing a close season during which it shall not be lawful to fish for pearl-shell or for turtle over the reserve;

(iii.) Prohibiting fishing for pearl-shell or for turtle by any person other than the holder of a license granted by or under the authority of the persons administering the reserve;

(iv.) Prescribing the form of such licenses, and the conditions under which they are issued;

(v.) Fixing the several license fees payable on any such license by aboriginal natives and by other persons: Provided that no license fee shall be payable by any aboriginal native of the island wherein the reserve is situate;

(vi.) Providing for the cancellation of any such license for the breach of any such regulation.

(b.) Such regulations may impose a fine not exceeding five pounds in respect of any breach thereof.

(c.) Such regulations shall not come into operation until approved by the Governor, and when so approved shall be published in the *Cook Islands Gazette*.

5. (1.) On and after the thirty-first day of March, one thousand nine hundred and five, the Arikis' Courts in any of the said Islands to which a European Resident Agent has been appointed by the Governor shall be abolished.

(2.) The jurisdiction and powers of the Arikis' Courts or a Judge thereof in any such island shall thereafter be exercised by such Resident Agent therein.

(3.) All references in any Ordinances of the said Islands to the Arikis' Court or a Judge thereof shall in any such island be deemed to be references to such Resident Agent therein.

(4.) The foregoing provisions shall, on and after a date to be fixed by the Governor, apply to any of the said Islands to which a European Resident Agent is appointed after the coming into operation thereof.

6. (1.) On and after the thirty-first day of March, one thousand nine hundred and five, each of the existing Island Councils shall consist of nine members, and shall be constituted as follows :—

(a.) The Resident Agent shall be *ex officio* a member and President thereof ;

(b.) The Arikis of the island shall be *ex officio* members thereof ;

(c.) The remaining members shall be elected by the adult Natives of the island for a term not exceeding three years.

(2.) This section shall not apply to the Island of Niue.

5. "THE LICENSING ACTS AMENDMENT ACT. 1904"

(SECTIONS 19-28).

[8th November, 1904.

19. (1.) On and after the passing of this Act, any law or Ordinance to the contrary notwithstanding, the exportation of liquor from New Zealand proper to and its importation into the Cook and other Islands in the Pacific within the boundaries of the Colony of New Zealand, as defined by "The Cook and other Islands Government Act, 1901," and hereinafter referred to as "the said Islands," shall, so far as private enterprise is concerned, and except as hereinafter provided, absolutely cease.

(2.) It shall not be lawful for any person whomsoever—

(a.) To solicit or receive any order for any liquor within the said Islands ;
nor

(b.) To sell, or expose or keep for sale, any liquor therein ; nor

(c.) To send (either from without or within the said Islands) or deliver to any person residing therein, or at any place situate therein, any liquor which the person sending or delivering the same has reasonable ground to suspect is intended to be sold, or exposed or kept for sale, therein ; nor

(d.) To send or deliver to any person residing therein, or to any place situate therein, any package containing liquor, unless such package bears distinctly written or printed on the outside thereof a statement that it contains liquor.

(3.) Any constable, Customs officer, or any person appointed for the purpose by the Government, may detain and in the presence of at least two witnesses examine the contents of any package in respect whereof a violation of this provision is reasonably suspected by him.

(4.) Every person who commits a breach of any of the provisions of this section is liable for a first offence to a fine not exceeding fifty pounds, and for a second offence to imprisonment for any term not exceeding three months, and for any subsequent offence to imprisonment for any term not exceeding twelve months.

(5.) In any prosecution for sending or delivering liquor in breach of this section it shall lie on the accused to show that he had no reasonable ground to suspect that such liquor was intended to be sold, or exposed or kept for sale, within any of the said Islands.

20. Immediately on or after the passing of this Act the Collectors of Customs in the said Islands may take possession of all the intoxicating liquor in the said Islands, and may pay such compensation to the owners thereof as may be arranged between the said owners on the one part and the Collectors of Customs on the other part: Provided that the owner of any of the aforesaid liquors may re-export the same if he objects to the compensation offered: Provided also that a Collector of Customs may refuse to take over any liquor which in his opinion is unsaleable or of inferior quality.

21. (1.) From and after the passing of this Act it shall be unlawful for any person, except through the Resident Commissioner of the Cook Islands or the Resident Commissioner or Collectors of Customs at Niue and other Islands, to import any liquor into the said Islands, or to manufacture therein any liquor for sale or consumption therein; and in any prosecution for a breach of this section it shall lie on the accused to prove that any such liquor was not imported into or was not manufactured in the said Islands for sale or consumption, as the case may be, in breach of this section.

(2.) All liquor imported into the said Islands on or after the first day of January, one thousand nine hundred and five, in breach of this section shall be stored at the expense of the importers, who shall forthwith cause the same to be landed and placed in the King's Bond, and such importers shall forthwith cause such of the liquor as is not retained by the Collector of Customs to be exported from the said Islands.

(3.) No liquor shall be landed in the said Islands on or after the first day of January next unless consigned to the Collector of Customs, or other Government officer duly authorised in that behalf to receive the same; and if any liquor is so landed it shall be forfeited to His Majesty.

(4.) Every person who commits an offence against any of the provisions of this section is liable for a first offence to a fine not exceeding one hundred pounds, or to imprisonment with or without hard labour for any term not exceeding three months; and for the second or any subsequent offence to imprisonment with or without hard labour for any term not less than three months and not exceeding six months.

22. (1.) From and after the first day of January, one thousand nine hundred and five, liquor shall be sold and supplied in the said Islands for use

in the arts or manufactures, or for medicinal, religious, or scientific purposes, but not for any other use or purpose, by such officers of His Majesty's Customs as may be specially appointed by the Governor for that purpose.

(2.) Such liquor shall be sold only in bottles or other receptacles duly closed and sealed in such manner that the liquor cannot be extracted therefrom without breaking such seal, and every such bottle or receptacle shall have thereon a label setting forth the kind, quantity, quality, and price of the liquor contained therein: Provided that, in the case of colonial wines or claret, the Collector of Customs may sell not less than one or more than six bottles to any person at any one time.

(3.) All such sales shall be recorded.

(4.) Except as hereinafter provided, no claret or colonial wines shall be sold to any Native inhabitant of the said Islands.

23. (1.) No liquors shall be sold to any Native inhabitant of the said Islands except on the written authority of the Resident Commissioner, Resident Medical Officer, Collector of Customs, or other officer specially appointed for the purpose.

(2.) For the purposes of this Act all Polynesians resident in the said Islands shall be deemed to be Native inhabitants of the said Islands.

24. (1.) Every person who manufactures the liquors known either as bush-beer or orange-beer, or in any way aids in or abets the manufacture or drinking of the same, is liable to a fine not exceeding five pounds.

(2.) Every person who distils or manufactures any intoxicating liquor other than bush-beer and orange-beer, or who aids in or abets the distillation or manufacture thereof, is liable to a fine not exceeding one hundred pounds and not less than five pounds.

(3.) For the purposes of this section " yangona " and " kava " shall not be deemed to be intoxicating liquors.

25. Every person who evades or attempts to evade any of the provisions of this Act relating to the said Islands, or any regulations made thereunder, for which no penalty is specially provided therein, is liable for each such offence to a fine not exceeding twenty pounds, or in default to imprisonment with or without hard labour for any term not exceeding six months.

26. All offences against any provision of this Act relating to the said Islands committed at or within the said Islands shall be heard in the High Court of the Cook Islands, or other properly constituted legal tribunals within the said Islands; and all offences committed by persons living without the said Islands shall be determined by any Court of competent jurisdiction.

27. The High Court of the Cook Islands and the Federal or Island Councils (including the Niue Island Council) may respectively issue prohibition orders against any person on good cause being shown; and the provisions of the principal Act relating to prohibition orders and to prohibited persons shall, *mutatis mutandis*, extend and apply to prohibition orders and prohibited persons under this section.

28. The Governor may make regulations and do all things necessary to secure the proper administration of sections nineteen to twenty-seven of this Act. All such regulations shall be gazetted in the *New Zealand Gazette*, and those referring to the Cook Islands shall be published in the *Cook Islands Gazette*, and all such regulations shall have the force of law, and any breach thereof shall be punishable under this Act.

III. ORDERS IN COUNCIL AND OTHER INSTRUMENTS.

1. RULES RELATING TO APPEALS FROM THE HIGH COURT OF THE COOK ISLANDS.

RANFURLY, Governor.—ORDER IN COUNCIL.

At the Government House, at Wellington, this twenty-eighth day of April, 1902. Present: The Honourable Sir J. G. Ward presiding in Council.

In exercise and pursuance of the powers and authorities conferred by section four of "The Cook and other Islands Government Act, 1901," His Excellency the Governor of the Colony of New Zealand, acting by and with the advice and consent of the Executive Council thereof, and with the concurrence of His Honour the Chief Justice of the Supreme Court of the said colony, and His Honour Mr. Justice Cooper, a Judge of the said Court, doth hereby make the following rules with respect to appeals from the decisions of the High Court of the Cook Islands, and doth declare that such rules shall take effect on and after the first day of May, one thousand nine hundred and two:—

Rules.

1. Any person who may be desirous of appealing from any decision of the High Court of the Cook Islands, whether the decision be a dismissal of the case or otherwise, and whether the ground of appeal be matter of law or matter of fact, or both, may appeal from the same to the Supreme Court of New Zealand.

2. Notice of appeal shall be served upon all parties directly affected by the appeal, and it shall not be necessary to serve parties not so affected, but the Supreme Court may direct notice of the appeal to be served on all or any parties to the action or other proceeding, or upon any person not a party, and in the meantime may postpone or adjourn the hearing of the appeal upon such terms as may seem just, and may give such judgment and make such order as might have been given or made if the persons served with such notice had been originally parties.

3. Notice of appeal from any judgment of the High Court shall be a fourteen days' notice.

4. Such appeal shall be in the form of a case stated and agreed on by both parties or their solicitors, and if they cannot agree the Judge of the High Court shall settle the case and sign it.

5. Such case shall be forwarded to the Registrar of the Supreme Court at Auckland, New Zealand, and the Registrar shall set down such case for consideration at once. If, when the case is called upon, counsel appear

either for the appellant or for the respondent, the Court shall counsel. If no counsel appear, or counsel on one side only, the Court shall consider the case, and shall, either then or at a subsequent sitting of the Court, pronounce its opinion thereon, and such opinion shall be recorded on the case by the Registrar, who will return the case, with such opinion indorsed, to the High Court at Rarotonga, forwarding the case with all convenient speed.

6. In cases where there is to be a sitting of the Supreme Court at Rarotonga within sixty days after notice of appeal is given, the case stated shall be forwarded to the Supreme Court there, and shall be dealt with in like manner as if the appeal were heard in Auckland.

7. Due security for costs, and for the performance of the judgment of the Supreme Court, shall, within six days after the notice of appeal has been given, be given to the satisfaction of the Judge of the High Court, unless the Court of first instance otherwise orders; and if no such security be given as above the notice of appeal shall be deemed abandoned.

Court of Appeal.

8. All appeals to the Court of Appeal of New Zealand shall be subject, *mutatis mutandis*, to the rules for the time in force relating to appeals from the Supreme Court of New Zealand.

ALEX. WILLIS,
Clerk of the Executive Council

2. COOK AND OTHER ISLANDS LAND TITLES COURT
ESTABLISHED.*

RANFURLY, Governor.—ORDER IN COUNCIL.

At the Government House, at Wellington, this seventh day of July, 1902.

Present: His Excellency the Governor in Council.

WHEREAS by the sixth section of "The Cook and other Islands Government Act, 1901," it is enacted that the Governor, by Order in Council, may from time to time establish a tribunal or appoint an officer or officers with such powers and functions as he thinks fit in order to ascertain and determine the title to land within the Islands situate within the boundary-lines set forth in the Schedule to the said Act, distinguishing titles acquired by Native customs and usage from titles otherwise lawfully acquired, and may provide for the issue of instruments of title, and generally make such provision in the premises as he thinks fit:

* Amended and confirmed by Order in Council of 28th October, 1904, *post.*

Now, therefore, His Excellency the Governor of the Colony of New Zealand, in pursuance and exercise of the powers and authorities conferred by the said Act, and by and with the advice of the Executive Council of the said colony, doth hereby order as follows:—

I. Interpretation.

1. In this Order in Council, if not inconsistent with the context,—
 - “Said Act” means “The Cook and other Islands Government Act, 1901,” or any Act to be hereafter passed in lieu thereof, or any Act or Acts amending the same respectively :
 - “Alienation” means any sale, lease, contract, or other disposition, absolute or limited, mortgage, charge, lien, or encumbrance :
 - “Certified plan” means a plan certified to by a duly authorised surveyor as correct for the purposes of the said Court :
 - “Chief Judge” means the Chief Judge of the said Court :
 - “Court” means the Cook and other Islands Land Titles Court :
 - “European” means a person other than a Native :
 - “Islands” means the Islands situate within the boundary-lines set forth in the Schedule to the said Act :
 - “Judge” means a Judge of the Court, and includes the Chief Judge :
 - “Land” means any land in the said Islands owned, held or occupied, by any person, whether under Native customs and usages, or lease, or otherwise howsoever, and includes any estate or interest therein :
 - “Native” means an aboriginal native of the said Islands :
 - “Order” means order of the Court in the form prescribed for any proceeding by rules made under this Order in Council, or in any form approved of by the Chief Judge, or to the effect thereof respectively, authenticated by the signature of a Judge and the seal of the Court :
 - “Party” means any person or number of persons appearing to support or to oppose, or to protect his or their interests in respect of, any application made to or proceeding in or before the Court, and includes every applicant :
 - “Person” means any person, whether Native or European, and includes a corporation :
 - “Prescribed” means prescribed by rules or regulations under this Order in Council :
 - “Registrar” means Registrar of the Court, and includes a Deputy Registrar :
 - “Resident Commissioner” means the Resident Commissioner under the said Act :
 - “Successor” means the person who on the death of any Native is, according to Native custom, or, if there be no Native custom

applicable to any particular case, then according to the law of New Zealand, entitled to the interest of such Native in any land or personal property.

II. Creation and Constitution of Court.

2. There shall be within the said Islands a Court of Record to be called "The Cook and other Islands Land ~~Wills~~ Court," which shall have the jurisdiction and powers hereinafter set forth.

3. The Court shall consist of such Judges, not less than two, as the Governor may from time to time appoint. One of such Judges shall be the Chief Judge, who shall be a European. There shall be also such Registrars, Deputy Registrars, Clerks, Interpreters, and other officers as may be required for the conduct of the business of the Court, and as may be appointed by the Governor under the provisions of the said Act.

4. The jurisdiction of any Judge other than the Chief Judge may, except in the case of a rehearing as hereinafter provided, be limited to any one or more of the said Islands.

5. The Chief Judge may from time to time appoint any fit and proper Native to act as Assessor for the assistance of the Court at any sitting or sittings of the Court, as the Chief Judge may determine.*

6. The records, plans, and documents relating to the business of the Court shall be deposited, and the official or administrative work carried on, at such place or places in the said Islands as the Chief Judge, with the approval of the Resident Commissioner, shall appoint.*

7. Registers shall be kept by the Court in which shall be recorded minutes of all applications made to the Court, and orders and proceedings made and had thereon.

8. Registers shall also be kept by the Court in which shall be entered particulars of all instruments of title issued by the Court, and of all deeds, documents, writings, and other matters requiring to be registered in connection with such instruments of title.

9. The Court shall have in the custody of the Chief Judge or Registrar a seal, which shall be the seal of the Court, and shall be used for sealing documents which require to be sealed.

III. Jurisdiction.

10. The Court shall have jurisdiction—

(1.) To investigate the title to and to ascertain and determine the owners of any land within the said Islands, distinguishing titles acquired by Native custom and usage from titles otherwise lawfully acquired :

* Amended as to Niue Island (see next following Order in Council).

- (2.) To determine the relative interests in any land of the persons entitled thereto, and to partition any land among such persons :
- (3.) To effect an exchange between Natives or any land owned by them :
- (4.) To determine any successor :
- (5.) To grant probate of the will and letters of administration of the estate and effects of any Native now dead, or who shall hereafter die :
- (6.) To render any land inalienable, or to impose such limited restrictions on the alienation of any land as the Court may think fit, and to vary or remove any restrictions :
- (7.) To determine all claims to land based on any lease or occupation heretofore or hereafter to be made or allowed by a Native :
- (8.) To confirm, vary, or alter any lease of land heretofore or hereafter to be made by a Native :
- (9.) To restrain any person from injuring, or damaging, or dealing with any property the subject-matter of any application to the Court :
- (10.) To determine whether or not any land is to be held by the nominal owner or owners thereof in trust for any Natives, and to determine who are the Natives (if any) entitled beneficially to any land so held in trust, and to order the inclusion of such Natives in the title, either together with or in lieu of the nominal owner or owners, and for the purpose aforesaid to order the cancellation or amendment of any instrument of title, and the issue of any other instrument of title as may be necessary :
- [(10A.) *To reserve and vest in His Majesty any lands required for townships, public works, and offices or buildings, including hospitals, cemeteries, lunatic asylums, gaols, schools or colleges, and to determine if necessary who were the former owners thereof, and the amount of compensation (if any) to be paid to them : Provided that any lands so reserved for townships may, mutatis mutandis, be dealt with as nearly as may be in accordance with the provisions of the Act of the General Assembly of New Zealand intituled "The Native Townships Act, 1895," and the regulations made under the authority thereof :]**
- (11.) To fix the rent of any land occupied or hereafter to be occupied by any Native other than the actual owner or owners :
- (12.) To apportion amongst the owners, or some of them, the rent or rents payable for any land, and for the purposes of any partition to negative, modify, or apportion any of the express or implied provisions of any lease of such land as to any parcel or parcels or as to the whole of such land :

* Revoked by next-following Order in Council of 28th October, 1904.

- (13.) To issue instruments of title to lands the title to which shall have become ascertained, subject to any trusts, restrictions, or encumbrances (if any) affecting the same :
- (13A.) To appoint a trustee or trustees, and in each case to define their powers, for any Native under and during disability, and at any time afterwards to alter, amend, vary, or revoke any such appointment :
- (14.) To order any person appointed a trustee of any land belonging to any Native to furnish an account of his trusteeship, and, on examination and investigation thereof by the Court, to order the payment by such trustee of such sum or sums of money to such person or persons and on such terms as may appear just :
- (15.) To deal with in any manner whatsoever any lease or other matter the subject of any previous application to or proceeding before the Land Board at Rarotonga under the provisions of "The Land Act, 1899," enacted by the Cook Islands Parliament, and to confirm, vary, or alter any order or decision of the said Land Board :
- (15A.) To rehear any claim or other matter whatsoever the finding in relation to which has been appealed against within two months from the date thereof. Every such rehearing shall take place before at least two Judges, and the finding thereon shall be final and conclusive, and shall be substituted for the original finding, which shall thereupon become void :
- (16.) By order to vest land in any person whom, in the exercise of the powers aforesaid the Court determines to be entitled thereto, and generally to do all acts and things necessary to the effectual exercise of the jurisdiction conferred upon the Court by this Order in Council.

IV. *Practice and Procedure.*

11. The Court shall sit at such times and places as the Chief Judge, by notice given in such manner as may be prescribed, shall appoint. After the commencement of a sitting the presiding Judge, or, in the absence of a Judge, the Registrar, may adjourn such sitting from time to time and from place to place, or may so adjourn any part or parts of the business notified to be dealt with at any such sitting, or adjourn the same respectively *sine die*.

12. The jurisdiction of the Court in any matter may be exercised on the written application of any person claiming an interest therein, and in the course of the proceedings on any application the Court may, without further application, and upon such terms as to notice to parties and otherwise as the Court thinks fit, proceed to exercise any other part or parts of its jurisdiction which it may consider necessary or expedient to exercise.

And the Court may in its discretion deal with the subject-matter of any application wholly or in part or parts, and issue separate orders in respect of such part or parts ; and any application may be dismissed or (with the consent of the Court) extended, amended, or withdrawn wholly or in part. And the Court may, on the completion of any stage in any proceedings, make any interlocutory order which it may deem necessary or expedient.

13. The Chief Judge, or any other Judge being a European, sitting alone, may exercise all the powers of the Court ; but no Judge being a Native shall exercise any of the said powers except in conjunction with a European Judge.*

14. Proceedings may be continued before a Judge or Judges other than the Judge or Judges before whom they were commenced, or before the same Judge and another Judge.

15. No person may appear or be assisted in Court by counsel or agent without the assent of the presiding Judge first obtained. Such assent may at any time be withdrawn.

Evidence.

16. The Court may act on any testimony, sworn or unsworn, and may receive as evidence any statement, document, information, or other matter which, in the opinion of the Court, may assist the Court to deal effectually with the matters before it.

17. The Court may, by summons in writing under the hand of a Judge or the Registrar, require any person to appear before the Court, at such time and place as shall be specified in the summons, to give evidence in the matter of any proceeding, and such person may be required by summons to produce any books, deeds, papers, and writings relating to such proceeding, and in his possession or under his control.

18. Any person on whom any such summons shall have been served personally, and to whom at the same time payment or a tender of his expenses shall have been made on the scale to be prescribed, and who shall neglect or fail without sufficient cause to appear or to produce any books, deeds, papers, or writings required by such summons to be produced, and any person, whether summoned to attend or not, who, being present in Court and being required to give evidence, shall refuse to be sworn or give evidence, or who, having been sworn to give evidence in a proceeding, shall neglect or fail to appear at such time as the Court may direct for the purpose of giving further evidence in such proceeding, shall be liable to a penalty not exceeding ten pounds, and in default of payment to be imprisoned for any term not exceeding one month.

Judgment Orders.

19. Every definite judgment, decision, or award of, and every imposition of penalty by, the Court shall be by order.

* Amended as to Niue Island (see next following Order in Council).

20. The Chief Judge may sign any order which ought to have been signed by a deceased or retired Judge.

21. An order of the Court shall bear date and shall be deemed to have been made on the day on which the Court decided that such order should be made, and shall take effect as from such date; but the Court may in any order direct that the same shall take effect on some day before or after the day on which the same is made.

22. An order may issue in the name of a deceased Native.

23. The Court may from time to time extend any time limited or fixed by any order, whether or not such time has or shall have expired.

24. Every order vesting land or any parcel of land shall describe the same by reference to some certified plan thereof, or, if there be no certified plan thereof, shall describe the same with sufficient accuracy to enable the same to be identified and the boundaries thereof to be correctly laid down on survey.

Amendment.

25. All amendments necessary to remedy or correct defects or errors in any proceeding or document, or to give effect to or record the intended decision in any proceeding, may be made at any time by the Court, whether applied for or not, and upon such terms as to the Court may appear just.

Surveys.

26. The Chief Judge, or the Registrar with the approval of a Judge, may authorise any surveyor or any other person to enter upon any land to make any survey, or for any other purpose expedient or necessary.*

26A. The Government of the Colony of New Zealand may in its discretion advance the cost of any survey so authorised, and in any such case the charge, by way of lien, as hereinafter provided, shall be held by the Resident Commissioner on behalf of His Majesty.

27. Any person obstructing or threatening to obstruct any surveyor or other person acting under any authority issued under the preceding section (such authority having been produced to any person threatening or engaged in such obstruction) shall be liable to a penalty not exceeding ten pounds, or to imprisonment for any term not exceeding one month.

28. The Court may charge by way of lien any land or parcel of land to secure the payment of an amount as being the reasonable cost or portion of the cost of any survey thereof authorised as aforesaid, and also the payment of any moneys due to the Court on account of fees; and such lien shall be indorsed by the Registrar on the instrument of title to the land, and shall have the effect of the lodging of a caveat against any dealing with such land until such moneys are paid and satisfied, or until such lien shall by order of the Court be removed. The Court may at any time make such order or orders for payment of such moneys by instalments out of rents or otherwise

* Amended as to Niue Island (see next following Order in Council).

as to the Court shall seem expedient, and may on any subsequent partition apportion any such lien or charge over the several partitions.

29. The payment by any person into the office of the Registrar of a sum of money secured by such lien shall be a discharge thereof. The money so paid to the Registrar shall be held in trust for and paid to such person as the Court shall determine to be entitled to the same.

V. Rules and Regulations.

30. The Chief Judge may from time to time, with the approval of the Resident Commissioner, make and prescribe, and alter and revoke, rules of practice and procedure and forms of proceedings and documents in the various matters in which jurisdiction is or may be conferred upon the Court, and also regulations for the government of all persons acting under this Order in Council, and for regulating the sittings of the Court, and for fixing the fees to be paid under this Order in Council, and the time and mode of payment, and for enforcing payment thereof.*

31. All such rules and regulations, and every alteration and revocation thereof, shall, within one month after the approval thereof, be published in the *Cook Islands Gazette*. A copy of such rules and regulations, and every alteration and revocation thereof, shall also, as soon as possible after approval thereof, be transmitted to the Governor.

32. All fees payable under this Order in Council shall be paid by the Registrar into the Cook Islands Treasury.*

ALEX. WILLIS,
Clerk of the Executive Council.

3. ORDER IN COUNCIL ESTABLISHING COOK AND OTHER ISLANDS LAND TITLES COURT AMENDED AND CONFIRMED.

PLUNKET, Governor.—ORDER IN COUNCIL.

At the Government House, at Wellington, this twenty-eighth day of October, 1904. Present: His Excellency the Governor in Council.

WHEREAS by Order in Council made on the seventh day of July, one thousand nine hundred and two, under the powers in that behalf conferred upon the Governor in Council by "The Cook and other Islands Government Act, 1901," and its amendments (hereinafter called "the said Acts"), the Cook and other Islands Land Titles Court (hereinafter called "the said Court")

* Amended as to Niue Island (see next following Order in Council).

was established, with the power and functions in the said Order in Council mentioned : And whereas it is expedient to amend and confirm the said Order in Council in manner hereinafter appearing :

Now, therefore, in exercise of the power conferred upon him by the said Acts, and of all other powers and authorities enabling him in this behalf, His Excellency the Governor of the Colony of New Zealand, acting by and with the advice and consent of the Executive Council of the said colony, doth hereby order and declare as follows :—

1. The powers and functions which are conferred upon the Chief Judge by clauses 5, 6, 11, 13, 26, and 30 of the said Order in Council shall hereafter be exercised in Niue Island by the Judge having jurisdiction in that island (hereinafter called "the Niue Island Judge"), and not by the Chief Judge.

2. For Niue Island there shall be a separate seal of the Court. Such seal shall be of the same form as the seal referred to in clause 9 of the said Order in Council, with the addition of the words "Niue Island." It shall be in the custody of the Niue Island Judge, and shall be used for sealing documents which in that island require to be sealed : Provided that the validity or regularity of any document shall not be questioned or affected by reason merely that it is sealed with the one seal instead of the other.

3. So long as there is in Niue Island a Registrar of the said Court or a Resident Commissioner, all references to the Registrar or the Resident Commissioner in the said Order in Council shall in Niue Island be construed as references to the Registrar or Resident Commissioner in that island.

4. The fees payable in Niue Island under the said Order in Council shall be paid into the Niue Island Revenue Account.

5. Subclause (10A) of clause 10 of the said Order in Council is hereby revoked.

6. Subject to the foregoing amendments, the said Order in Council is hereby confirmed, and shall be deemed to be the application to the said Islands of the corresponding provisions of "The Native Land Court Act, 1894," and the regulations thereunder, with such modifications as are necessary to adapt them to the conditions and circumstances of the said Islands and the inhabitants thereof.

J. F. ANDREWS,
Acting Clerk of the Executive Council.

4. SECTION 50 OF "THE NATIVE LAND CLAIMS ADJUSTMENT AND LAWS AMENDMENT ACT, 1901," TO HAVE OPERATION IN THE COOK AND OTHER ISLANDS, AS MODIFIED.

PLUNKET, Governor.—ORDER IN COUNCIL.

At the Government House, at Wellington, this twenty-eighth day of October, 1904. Present: His Excellency the Governor in Council.

WHEREAS by the third section of "The Cook and other Islands Government Act Amendment Act, 1902," it is enacted that the Governor may from time to time, by Order in Council, direct that any of the laws in force in New Zealand proper (other than the laws relating to the sale of alcoholic liquors) shall have operation and be observed in the said Islands, either in whole or with such modifications as may be necessary to adapt them to the conditions and circumstances of the said Islands and the inhabitants thereof:

Now, therefore, His Excellency the Governor of the Colony of New Zealand, in pursuance and exercise of the powers and authorities conferred by the said Act, and by and with the advice and consent of the Executive Council of the said colony, doth hereby order that section fifty of "The Native Land Claims Adjustment and Laws Amendment Act, 1901," and the regulations now in force thereunder (to wit, the regulations made on the fourth and gazetted on the twelfth day of December, one thousand nine hundred and one) shall have operation and be observed in the said Islands, with the modifications shown in the Appendix hereto.

APPENDIX.

The SECTION and REGULATIONS as modified to adapt them to the conditions and Circumstances of the said Islands and the Inhabitants thereof.

Section 50 as modified.

No claim by adoption to the estate of any Native inhabitant of the islands subject to "The Cook and other Islands Government Act, 1901," dying after the thirty-first day of March, one thousand nine hundred and five, shall be recognised or given effect to unless such adoption shall have been registered in the Cook and other Islands Land Titles Court in accordance with regulations to be made by the Governor in Council.

Every revocation of an adoption registered as aforesaid shall be registered in a like manner, and proof of such registration shall be sufficient evidence of the fact of such adoption or revocation, as the case may be.

The Governor in Council is hereby empowered to make such regulations as to the form and manner of such registration, and the fees to be payable in respect thereof, as he may deem necessary or expedient.

Regulations as modified.

1. Any person desiring to register an adoption under the provisions of the said section shall lodge with the Registrar of the Cook and other Islands Land Titles Court, or with the Resident European Magistrate or Agent at any island, on behalf of and for transmission to the Registrar, a notice in the Form A in the Schedule hereto. Such notice shall be signed by the adopting party in the presence of, and be attested by, two witnesses, one of whom shall be a European Judge of the High Court of the Cook Islands, or of the Cook and other Islands Land Titles Court, Registrar of either of the said Courts, Resident Magistrate, authorised interpreter, or European postmaster.

2. Any person desiring to register the revocation of an adoption shall lodge with the said Registrar of the Cook and other Islands Land Titles Court, or with the Resident European Magistrate or Agent at any island, on behalf of, and for transmission to, the Registrar, a notice in the Form B in the Schedule hereto. Such notice shall be signed and attested in the same manner as is hereinbefore provided with regard to a notice in Form A.

3. On the receipt of any notice as aforesaid, and on payment of the fee hereinafter prescribed, the Registrar or the Resident European Magistrate or Agent shall indorse thereon the date of reception thereof, and such notice when so indorsed and verified by the signature of the Registrar and the seal of the Cook and other Islands Land Titles Court shall be deemed to be duly filed and registered: Provided that, except by leave of the Chief Judge of the aforesaid High Court,* or, in the case of Niue, the Niue Island Judge of the Land Titles Court, no notice of adoption or revocation of adoption shall be registered unless lodged within two months from the date thereof.

4. Every such notice, unless in the Native language, shall have indorsed thereon a certificate by an authorised interpreter that the contents thereof have been explained by him to the party signing the same, and that he appeared to fully understand the meaning thereof.

5. It shall be the duty of the Registrar to notify in the *Cook Islands Gazette*, as soon as may be after the registration thereof, particulars of every adoption or revocation registered under the said section, and to post notice thereof by letter to the person by whom the notice of adoption or revocation purports to have been given.

6. The fee payable for registering any adoption or revocation of any adoption shall be five shillings, and shall be paid before registration is effected. All fees shall be paid by the Registrar into the Cook Islands Treasury, except in Niue Island, in which island the fees shall be paid into the Niue Island Revenue Account.

* Altered to "Cook and other Islands Land Titles Court" (see next following Order in Council).

*Schedule to Regulations.**Form A.—Form of Notice of Adoption.*

To the Registrar of the Cook and other Islands Land Titles Court.

I, , of , hereby give notice that I have taken , a child of , to be my adopted child according to Native custom, and I request that such adoption be registered under the provisions of section 50 of "The Native Land Claims Adjustment and Laws Amendment Act, 1901," of New Zealand, as modified.

As witness my hand, this day of , 190 .

Signed by the said , in the presence of—

Form B.—Form of Notice of Revocation of Adoption.

To the Registrar of the Cook and other Islands Land Titles Court.

WHEREAS is registered as my adopted child under the provisions of section 50 of "The Native Land Claims Adjustment and Laws Amendment Act, 1901," of New Zealand, as modified; and whereas I am desirous of putting an end to the said adoption: Now, therefore, I hereby revoke the authority heretofore given for registration thereof, and request that this notice may be registered under the provisions of the said section.

As witness my hand, this day of , 190 .

Signed by the said , in the presence of—

J. F. ANDREWS,
Acting Clerk of the Executive Council.

5. ADDITIONAL REGULATIONS UNDER BEFORE-MENTIONED
SECTION 50.

PLUNKET, Governor.—ORDER IN COUNCIL.

At the Government House, at Wellington, this eighth day of July, 1905.

Present: His Excellency the Governor in Council.

WHEREAS by section three of "The Cook and other Islands Government Act Amendment Act, 1902," it is enacted that the Governor may from time to time, by Order in Council, direct that any of the laws in force in New Zealand proper (other than the laws relating to the sale of intoxicating liquors) shall have operation and be observed in the said Islands, either in whole or with such modifications as may be necessary to adapt them to the conditions and circumstances of the said Islands and the inhabitants thereof:

And whereas by Order in Council thereunder dated the twenty-eighth day of October, one thousand nine hundred and four, and gazetted on the third day of November, one thousand nine hundred and four, His Excellency the Governor did order that section fifty of "The Native Land Claims Adjustment and Laws Amendment Act, 1901," and the regulations in force under such section made on the fourth day of December, one thousand nine hundred

and one, should have operation and be observed in the said Islands with the modifications shown in the Appendix thereto:

And whereas it is expedient to amend regulation three of the said regulations as modified, and also to direct that certain additional regulations made under the said section fifty shall have operation and be observed in the said Islands with such modifications as hereinafter appear:

Now, therefore, His Excellency the Governor of the Colony of New Zealand, in pursuance and exercise of the powers and authorities conferred by "The Cook and other Islands Government Act Amendment Act, 1902," and acting by and with the advice and consent of the Executive Council of the said colony, doth hereby amend the proviso to regulation three of the said regulations as modified and set out in the Appendix to the said Order in Council of the twenty-eighth day of October, one thousand nine hundred and four, by substituting the words "Cook and other Islands Land Titles Court" for the words "High Court"; and doth also hereby order that the additional regulations made under the said section fifty on the eleventh and gazetted on the twenty-sixth day of May, one thousand nine hundred and four, shall have operation and be observed in the said Islands with the modifications shown in the Appendix hereto.

APPENDIX.

ADDITIONAL REGULATIONS under Section 50 of "The Native Land Claims Adjustment and Laws Amendment Act, 1901," as modified to adapt them to the Conditions and Circumstances of the said Islands and the Inhabitants thereof.

7. Before registering any adoption the Registrar shall require in respect thereof a certificate by the Chief or a European Judge of the Cook and other Islands Land Titles Court or by the Resident European Magistrate or Agent at the Island where such adoption takes place, that he has inquired into the circumstances of the said adoption, and that he is satisfied that the same is a *bona fide* adoption according to Native custom and ought to be given effect to.

8. Such inquiry shall be made in open Court after receipt of the application by the Registrar or by the Resident European Magistrate or Agent. Every application shall, at least three days before the hearing thereof, be duly notified by notice in writing posted at the Courthouse. Registration of every adoption shall be duly notified by the Registrar in the *Cook Islands Gazette*.

9. The fee payable in respect of each application under Regulation 6 shall include the certificate and registration fee, but shall not include fees incidental to hearing unless so ordered.

J. F. ANDREWS,
Acting Clerk of the Executive Council.

6. PACIFIC ISLANDERS PROTECTION ACTS (IMPERIAL) REPEALED AS AFFECTING COOK AND OTHER ISLANDS,

PLUNKET, Governor.—ORDER IN COUNCIL.

At the Government House, at Wellington, this twenty-first day of September, 1904. Present: His Excellency the Governor in Council.

WHEREAS by section two of "The Cook and other Islands Government Act, 1901" (hereinafter termed "the said Act"), it is provided that the Governor by Order in Council, may from time to time direct that any of the laws in force in the said Islands at the commencement of the said Act may be modified or repealed: And whereas "The Labourers Emigration Restriction Act, 1900," of the Cook Islands Parliament contains a recital to the effect that it has been the custom for masters of vessels to enlist Natives of the Cook Islands for the purpose of labour on islands outside the group, and that it is advisable that this custom should continue: And whereas a doubt has been raised that the effect of this recital is to continue the Pacific Islanders Protection Acts, 1872 and 1875 (Imperial), in force in the said Islands: And whereas it is expedient to remove such doubt:

Now, therefore, His Excellency the Governor of the Colony of New Zealand, in pursuance and exercise of the powers and authorities conferred by the said Act, and acting by and with the advice and consent of the Executive Council of the said colony, doth hereby direct that the said Pacific Islanders Protection Acts, 1872 and 1875, be repealed in so far as respects the said Islands, and the same are hereby repealed accordingly.

ALEX. WILLIS,
Clerk of the Executive Council.

7. DUTY ON CERTAIN TOBACCO IMPORTED INTO THE COOK AND OTHER ISLANDS REDUCED.

PLUNKET, Governor.—ORDER IN COUNCIL.

At the Government House, at Wellington, this second day of August, 1905. Present: His Excellency the Governor in Council.

In exercise of the powers conferred upon him by "The Cook and other Islands Government Act Amendment Act, 1902," and "The Cook and other Islands Government Act Amendment Act, 1903," and of all other powers and authorities enabling him in this behalf, His Excellency the Governor of the Colony of New Zealand, acting by and with the advice

and consent of the Executive Council of the said colony, doth hereby modify the New Zealand Customs tariff in its application to goods imported into the Cook and other Islands aforesaid by declaring and directing as follows:—

1. On the first day of October, one thousand nine hundred and five, the Order in Council of the tenth day of December, one thousand nine hundred and three (reducing to one shilling the pound the duty on certain tobacco imported into the said Islands), shall be and be deemed to be revoked.

2. The duty on black-twist tobacco imported into the said Islands on and after the said first day of October, one thousand nine hundred and five, shall be one shilling the pound (in lieu of three shillings and sixpence the pound as fixed by "The Customs and Excise Duties Act, 1888") where the Collector is satisfied that the genuine invoice value at the time of importation does not exceed one shilling the pound.

ALEX. WILLIS,
Clerk of the Executive Council.

8. RATES OF DUTY ON CERTAIN GOODS IMPORTED INTO THE COOK AND OTHER ISLANDS ALTERED.

RANFURLY, Governor.—ORDER IN COUNCIL.

At the Government House, at Wellington, this eighth day of June, 1904.
Present: His Excellency the Governor in Council.

In exercise of the powers in this behalf conferred upon him by "The Cook and other Islands Government Act Amendment Act, 1902," and "The Cook and other Islands Government Act Amendment Act, 1903," His Excellency the Governor of the Colony of New Zealand, acting by and with the advice and consent of the Executive Council of the said colony, doth hereby modify the New Zealand Customs tariff in its application to goods imported into the Cook and other Islands aforesaid by declaring and directing that the duty on claret imported into the Cook and other Islands aforesaid, on and after the first day of July, one thousand nine hundred and four, shall be two shillings the gallon (in lieu of six shillings the gallon as fixed by "The Customs and Excise Duties Act, 1888"), and that the duty on horses imported into the Cook and other Islands aforesaid, on and after the first day of July, one thousand nine hundred and four, shall be ten shillings each (in lieu of one pound each as fixed by "The Customs and Excise Duties Act, 1888*"), also that drugs imported by missionary societies for dispensation among the Natives be admitted free into the said Islands.

ALEX. WILLIS,
Clerk of the Executive Council.

* This should be "1895."

9. PORT OF RAROTONGA, COOK ISLANDS, ESTABLISHED.

RANFURLY, Governor.

IN exercise of the powers in me for this purpose vested by "The Customs Laws Consolidation Act, 1882," I, Uchter John Mark, Earl of Ranfurly, Governor of the Colony of New Zealand and its Dependencies, do hereby appoint that on and after the date hereof there shall be established within the boundaries of the Cook Islands a port to be called the Port of Rarotonga, and I do further order that this port shall be the port of entry and clearance of ships for the Islands of Penrhyn, Manihiki, Rakahanga, Pukapuka, and Palmerston.

As witness the hand of His Excellency the Governor, this twenty-fourth day of September, one thousand nine hundred and one.

C. H. MILLS.

Governor's Order No. 158.]

10. CUSTOMS NOTICES AS TO PORT OF RAROTONGA.

APPOINTING THE PORT OF RAROTONGA, IN THE COOK ISLANDS, TO BE A PORT FOR THE IMPORTATION OF TOBACCO.

PLUNKET, Governor.

IN exercise of the power in me for this purpose vested by "The Customs Laws Consolidation Act, 1882," I, William Lee, Baron Plunket, the Governor of the Colony of New Zealand and its Dependencies, do approve of the Port of Rarotonga, in the Cook Islands, as a port for the importation of tobacco.

As witness the hand of His Excellency the Governor, this twenty-seventh day of October, one thousand nine hundred and four.

C. H. MILLS.

Governor's Order No. 167.]

APPOINTING LEGAL LANDING-PLACES AT RAROTONGA, COOK ISLANDS.

PLUNKET, Governor.

IN exercise of the power in me for this purpose vested by "The Customs Laws Consolidation Act, 1882," I, William Lee, Baron Plunket, the Governor of the Colony of New Zealand and its Dependencies, do hereby appoint that on and after the first day of November, one thousand nine hundred and four,

the wharf known as the Union Steamship Company's Wharf at Avarua Harbour, together with the beach extending one hundred yards on either side thereof, shall be deemed and taken to be the legal landing-place at the Port of Rarotonga for the lading and unlading of goods under "The Customs Laws Consolidation Act, 1882," and "The Cook and other Islands Government Act, 1901," and its amendments.

As witness the hand of His Excellency the Governor, this twenty-seventh day of October, one thousand nine hundred and four.

C. H. MILLS.

Governor's Order No. 168.]

APPOINTING THE LIMITS OF THE PORT OF RAROTONGA, IN THE COOK ISLANDS.

PLUNKET, Governor.

IN exercise of the power in me for this purpose vested by "The Customs Laws Consolidation Act, 1882," I, William Lee, Baron Plunket, the Governor of the Colony of New Zealand and its Dependencies, do hereby declare that on and after the first day of November, one thousand nine hundred and four, the limits of the Port of Rarotonga, in the Cook Islands, shall be as follows:—

The area enclosed by a line extending from high-water mark at a point four hundred yards eastward of the Union Steamship Company's Wharf, situated at Avarua Harbour, in the Island of Rarotonga, extending thence northward one thousand yards, thence westward eight hundred yards, thence southward to high-water mark, thence along high-water mark eastward to the starting-point.

As witness the hand of His Excellency the Governor, this twenty-seventh day of October, one thousand nine hundred and four.

C. H. MILLS.

Governor's Order No. 169.]

11. PORT OF ALOFI, NIUE, ESTABLISHED AND APPOINTED.

RANFURLY, Governor.

IN exercise of the power in me for this purpose vested by "The Customs Laws Consolidation Act, 1882," I, Uchter John Mark, Earl of Ranfurly, the Governor of the Colony of New Zealand, do hereby appoint that on and from the date hereof there shall be established a port to be called the Port of Alofi, Island of Niue, the limits whereof shall be as follow: Bounded on the south-east by high-water mark on the coast of Niue Island for a distance of one

mile from the foot of the Mission Pier, running in a south-west direction ; on the west, north-west, and north by a line drawn with a radius of one mile from the foot of the Mission Pier until it strikes the western coast-line of Niue Island at a point one mile north from the foot of the Mission Pier ; and on the east by high-water mark of the shore of Niue Island to the foot of the Mission Pier : And I do hereby appoint that the Port of Alofi shall be a port for the importation of tobacco for the purpose of " The Customs Laws Consolidation Act, 1882."

As witness the hand of His Excellency the Governor, this tenth day of November, one thousand nine hundred and one.

R. J. SEDDON.

Governor's Order No. 161.]

IV. ACTS PASSED BY FEDERAL PARLIAMENT OF COOK ISLANDS.

1891.

No. 1.—A LAW TO PROVIDE FOR THE GOOD GOVERNMENT OF THE COOK ISLANDS. (June, 1891.)

IT is hereby enacted by the British Resident and the representatives of the several islands of the Cook Group—namely, those islands that are included within the British Protectorate, and the Island of Aitutaki, now in Council assembled :

[1. Local Government.—*That each island shall continue to govern itself as much as possible, subject to the condition that all laws hereafter made by the local Government shall not be valid until formally approved by the British Resident for the time being, who shall also state the day when such law so approved shall come into operation.]**

2. *Parliament.*—That the Representatives of the several islands, duly elected, and now assembled in Council at Avarua, in the Island of Rarotonga, hereby constitute the first General Council of the Cook Islands, which shall hereafter be styled “the Parliament” of the Cook Islands.

3. That the Parliament shall be responsible for the peace, order, and good government of the Cook Islands, and by it shall be undertaken all good works which cannot be done by the people of any island separately.

[4. *That all laws made by the Parliament shall be expressed as made by the British Resident and the Parliament of the Cook Islands, and shall not be valid till formally approved by the British Resident, who shall also state the day when each of the said laws shall come into operation.]**

5. That, unless and until otherwise provided by Parliament, the number of representative districts and the number of members assigned to each shall continue as at present—namely, Rarotonga three members, Mangaia three members, Atiu, Mauke, and Mitiaro three members, and Aitutaki three members.

[6. *That in each of the said districts the people shall elect their members to the Parliament in such manner as the local laws of the district may direct.*

7. *That the Parliament shall meet at Avarua, in the Island of Rarotonga, at 10 a.m. on the 15th day of June (5th day of July†) in every year, and when the day falls on Sunday the day following shall be substituted.*

* Repealed by 1899, No. 11, sec. 16.

† Substituted by 1892, No. 5.

8. *That the Parliament shall at each yearly meeting elect one of its members to be Chairman for the year.]**

9. *The Government.*—That an Executive Council is hereby appointed to carry out the laws made by the Parliament, and to look after the well-being of the Islands when Parliament is not in session. That this Council shall be styled “the Government” of the Cook Islands.

10. That the Government may at any time call a special meeting of the Parliament, giving thirty days' notice of such meeting. The notice to date from the date of publication.

11. That with the Government shall rest the power of reducing or remitting any penalties imposed under laws passed by the Parliament; but such power shall only be exercised with the approval of the British Resident.

12. That all *arikis* of the Cook Islands shall be *ex-officio* members of the Government.

13. That Makea Takau is hereby appointed Chief of the Government, and is to administer it under the laws of the Parliament and subject to the approval of the British Resident. All letters or other public documents issued by the Government are to be signed by the said Makea Takau.

14. That any appointments to public office shall be expressed as made subject to the approval of Parliament, and shall be submitted for its consideration at the first opportunity.

[15. *Fixed Appropriations.*—*That out of any revenue raised by authority of the Parliament the sum of \$1,560 shall be appropriated yearly as follows:* (a) *To each of the four representative districts, to be expended by the local Governments of such districts for public purposes, \$300;* (b) *to each member of the Parliament for his personal use, \$30.*

16. *All laws made by the Parliament shall be in English and in Maori, and whenever doubts arise as to the meaning of the Maori the English version shall take effect.]**

17. *Additional Clauses.*—Whenever persons fined under any law of the Parliament neglect to pay or are unable to pay such fines, the *High Court of the Cook Islands*† shall substitute such labour with or without imprisonment, as it may deem most suitable.

18. The posting of laws or notices in any public place appointed by the Government shall be sufficient promulgation thereof.

TE POU, Chairman of Parliament.

Approved for the Islands of the Protectorate.

FREDERICK J. MOSS, British Resident, 5th June, 1891.

Approved for Aitutaki until Her Majesty's pleasure is made known.

FREDERICK J. MOSS, British Resident, 5th June, 1891.

This Act to come into immediate operation.

FREDERICK J. MOSS, British Resident, 5th June, 1891.

* Repealed by 1899, No. 11, sec. 16. † Amendment made by 1899, No. 11, sec. 15.

No. 2.—TO LEVY AN IMPORT DUTY* (June, 1891.)

[*It is hereby enacted by the British Resident and the Parliament of the Cook Islands,—*

1. *That a duty of 5 per cent. on the original cost and charges till landed at the Cook Islands shall be levied on all goods or movable property of any kind imported into the Cook Islands: But the Government may remit such duty on—(a) Wearing-apparel for the use of the owner; (b) articles imported for use or consumption by religious missions, or schools in connection with them, or any other schools that may be established hereafter.*

2. *The Government is hereby empowered, subject in all cases to the approval of the British Resident, to make all necessary regulations for giving effect to this law.*

3. *Any person evading payment of import duty, or infringing regulations made by the Government under this law, shall be liable to a fine not exceeding \$1,000, and the said regulations may provide for fines to that extent accordingly.*

Te Pou,

Chairman of Parliament.

Approved, to go into operation forthwith.

Frederick J. Moss, British Resident.

5th June, 1891.]

No. 3.—IMPORT DUTY No. 2.† (June, 1891.)

IT is hereby enacted by the British Resident and the Parliament of the Cook Islands,—

1. *That the Government may remit the import duty on all goods afloat and actually on the voyage to the Cook Islands on or before the 5th day of June last past.*

2. *That the Government may remit the duty on empty packages, or the sawn timber, or staves, or other material ready to be put together to make such packages, provided that the said packages are intended to be used for the export of the produce of the Cook Islands.*

Te Pou,

Chairman of Parliament.

Approved, to go into operation forthwith.

FREDERICK J. MOSS, British Resident.

8th June, 1891.

* This Act was repealed by 1898, No. 2, sec. 2.

† This Act has apparently been superseded by N.Z. Act, 1901, No. 44, sec. 10.

No. 4.—A LAW TO ESTABLISH A SUPREME COURT.* (10th June, 1891.)

[*It is hereby enacted by the British Resident and the Parliament of the Cook Islands,—*

1. *That there shall be a Supreme (Federal)† Court for the Cook Islands.*
2. *That the Court shall for the present consist of a Chief Judge, who shall be appointed by the Government, with the approval of the British Resident; and the Government may also appoint, with the approval of the British Resident, not more than two Associate Judges if it be found at any time advisable to do so.*
3. *That a Judge of the Supreme Court shall only be removed from office by a special law made for that purpose by the Parliament, and approved by the British Resident.*
4. *That the Government may suspend from office any Judge charged with misconduct as Judge, and may appoint some other person to act in his place till the meeting of Parliament next ensuing, but the salary of a Judge shall continue to be paid during his suspension.*
5. *The Supreme Court only shall take cognisance of all offences against laws made by Parliament or of charges of murder against either Maoris or foreigners. When cases arise between foreigners in any of the Cook Islands such cases may, on the demand of either party, be transferred from the local to the Supreme Court for trial.*
6. *The Court shall sit at Avarua on the third days of January, April, July, and October in each year, and when either of these days fall on Sunday the next day shall be substituted.*
7. *The Court may hold special sittings with the consent of the Government, due notice of the said sitting being given.*
8. *Any person disobeying a lawful order of the Court shall be adjudged guilty of contempt, and liable to such fine or substitute in labour, with or without imprisonment, as the Court may direct, subject to powers of remission vested in the Government of the Islands.*
9. *Every Judge in taking office shall take an oath to act impartially and righteously in his office. The form of oath and the administration thereof to be settled by the Government.*

Approved, to go into operation forthwith.

Frederick J. Moss, British Resident.

10th June, 1891.]

* This Act was repealed by 1898, No. 1, sec. 1.

† Title altered by 1894, No. 2.

No. 5.—PROVISIONAL POWERS. (10th June, 1891.)

IT is hereby enacted by the British Resident and the Parliament of the Cook Islands that until the 30th day of June, 1893,* or until each or any of the subjects herein dealt with shall be provided for by separate law, if so provided for prior to the said 30th day of June, 1893, the Government of the Cook Islands is empowered (subject in all cases to the formal approval of their action by the British Resident) to make such provision in regard to the said subjects as may be found necessary.

1. *Bankers and Audit.*—To appoint any person or persons to act as bankers for the Government, for the safe custody of public money, and for the regular and proper disbursement of the same, as well as for the audit of all accounts connected with the public service.

[2. *Appropriation.*—*To appropriate the revenue to such public purposes as they may consider most desirable, but to lay a full account of all receipts and expenditure on the table at the opening of the Parliament in each year.*]†

3. *Public Money a First Charge.*—To make all public moneys held by any person or persons a first charge on any property or goods owned by such person or persons within the Cook Islands.]‡

4. *Prevention of Disease.*—To take such measures as may be necessary at any time to prevent the introduction of contagious or infectious diseases, or the spreading of the same if introduced, and to make regulations imposing penalties upon persons violating or disobeying such regulations under penalties not exceeding \$2,500.§

5. *Schools.*—To establish a school or schools for the teaching of English to the Maori people, and for their progress in knowledge generally, and to make regulations, with penalties not exceeding \$20.||

6. *Post-offices.*—To establish post-offices and to make regulations for the same, with penalties not exceeding \$200.

7. *Harbours.*—To make regulations for the harbours, or for vessels frequenting any of the islands which may be without such harbours, and to impose penalties under such regulations to the amount of \$500.

8. *Registration of Deeds.*—To establish a registry of deeds and to make all necessary regulations relating thereto, with penalties not exceeding \$100.¶

9. *Marriages.*—To make regulations for the due registration of marriages and to license persons authorised by the Government to celebrate such marriages. In making such regulations the Government may impose penalties not exceeding \$500.**

10. *Affidavits.*—To appoint persons authorised to take declarations in due form, either by oath or otherwise, as may be provided, and to impose penalties for wilfully making false declarations, such penalties not to exceed \$500.

* Limitation repealed by 1892, No. 1, sec. 2.

† Repealed by 1892, No. 1, sec. 1.

‡ See 1894, No. 5.

§ See 1904, No. 15.

|| See 1895, No. 2, and 1903, No. 12.

¶ See 1895, No. 1.

** See 1892, No. 2, and 1899, No. 3.

11. *Buildings*.—To put up any buildings necessary for the public service, and to obtain, by purchase or otherwise, any land required for the same.*

12. *Officers*.—To appoint such officers as may be necessary and to pay their salaries; but both the officer and the salary to be subject to the approval of Parliament.

Approved, to go into operation forthwith.

FREDERICK J. MOSS, British Resident.

10th June, 1891.

1892.

No. 1.—“PROVISIONAL POWERS ACT 1891 AMENDMENT ACT, 1892.” (4th July, 1892.)

IT is hereby enacted by the British Resident and the Parliament of the Cook Islands:—

1. That section 2 of “The Provisional Powers Act, 1891,” giving power to the Government to appropriate the revenue till the year 1893, is hereby repealed.

2. That the limitation of the remaining sections, No. 1 and Nos. 3 to 12, is hereby repealed, and that the said sections shall continue in force.

Dated at Avarua, this 4th July, 1892.

Approved. To come into operation from this date, 9th July, 1892.

FREDERICK J. MOSS, British Resident.

No. 2.—REGISTRATION OF BIRTHS, DEATHS, AND MARRIAGES.† (6th July, 1892.)

IT is hereby enacted by the British Resident and the Parliament of the Cook Islands:—

1. That the birth of every child born after the 30th June, 1892, shall be registered by the mother, or other relative of the mother, within one month after birth, under a penalty not exceeding \$10 for neglecting so to do; the fine to be recovered in the District Court.

2. That every marriage shall also be registered under a penalty not exceeding \$20, to be recovered in the District Court.

3. That Registration Officers shall be appointed by the Chief of the Government at the following places: In Rarotonga, three—viz., one each for Avarua, Arorangi, and Ngatangiia; in Aitutaki, one; in Atiu, one; in Mitiaro, one; in Mauke, one; in Mangaia, one.‡

* See 1898, No. 5.

† See also 1899, No. 3, sec. 15.

‡ Amended by 1893, No. 6.

4. That the fees for registration shall be—for births, 20 cents ; for deaths, 20 cents ; for marriages, \$2.

5. That the Registrars shall make up monthly a copy of the births, deaths, and marriages registered by them, in such form as the Government may direct, and shall send the same to the Clerk of this Parliament, by whom the record shall be preserved.

Dated at Avarua, the 6th day of July, 1892.

Approved. To come into operation from this date, 9th July, 1892.

FREDERICK J. MOSS, British Resident.

No. 3.—BANISHMENT TO TAKUTEA.* (4th July, 1892.)

[It is hereby enacted by the British Resident and the Parliament of the Cook Islands :—

1. That any person found guilty of stabbing, or of other criminal acts dangerous to the people, may be, in addition to the punishment authorised by law banished to the Island of Takutea for such term as the Judge before whom he is tried may deem fit.

2. That such sentence, in the case of a Native, shall be subject to approval by the Ariki of the district in which the offence has been committed, and, if there be no ruling Ariki, by the Government of the district. In the case of a foreign resident, the sentence shall be subject to the approval of the British Resident.

3. That no person shall be sent to Takutea unless the consent of the Ariki of Atiu, as Lord of the said island, shall have been previously obtained.

Dated at Avarua, the 4th day of July, 1892.

Approved. To come into operation from this date, 9th July, 1892.

Frederick J. Moss, British Resident.]

No. 4.—UNAUTHORISED EXPENDITURE. (1st July, 1892.)

It is hereby enacted by the British Resident and the Parliament of the Cook Islands :—

1. That the Government may expend a sum or sums not exceeding in the whole \$800 (eight hundred dollars) in any one year for such public purpose as it may deem desirable.

2. That a statement of such expenditure shall be laid before Parliament at its annual meeting, and the amount be included in the estimates for the following year.

Dated at Avarua, the 1st day of July, 1892.

Approved. To come into operation from this date, 9th July, 1892.

FREDERICK J. MOSS, British Resident.

* This Act was repealed by 1892, No. 9, sec. 3.

No. 5.—“CONSTITUTION ACT (No. 1) 1891 AMENDMENT ACT, 1892.”
 (1st July, 1892.)

IT is hereby enacted by the British Resident and the Parliament of the Cook Islands :—

1. That the day for the yearly meeting of Parliament shall be altered from the 15th June to the 5th July.*

2. Clause No. 6 of “The Act to provide for the Good Government of the Cook Islands (1891)” is hereby amended accordingly.

Dated at Avarua, this 1st day of July, 1892.

Approved. To come into operation from this date, 9th July, 1892.

FREDERICK J. MOSS, British Resident.

—
 No. 6.—“APPROPRIATION ACT, 1892.” (6th July, 1892.)

IT is hereby enacted by the British Resident and the Parliament of the Cook Islands :—

1. That the expenditure for the public service for the year ending the 30th June, 1893, shall not exceed the sums respectively stated, and shall be applied to the purposes respectively named in the Schedules Nos. 1 and 2 attached hereto, amounting in all to seven thousand one hundred and fifty-five dollars (\$7,155).

2. That the Paymaster shall issue no cheques in payment of accounts unless they are formally authorised by the Chief of the Government and certified by the Auditor as being in accordance with this Act.

3. That the bankers of the Government shall pay only such cheques as are signed by the Paymaster and countersigned by the Auditor.

4. That the sums provided by “The Constitution Act, 1891,” to be paid to the Local Councils, as per Schedule No. 2 above mentioned, shall not be paid till the end of the financial year 1892–93.

—
 * Altered to 1st August by 1899, No. 11, sec. 6.

SCHEDULE No. 1.

1. Fixed Appropriations—						\$
Members of Parliament ..	..	..	..	..	..	360
2. Collection of Revenue—						
Collector ..	..	..	..	..	..	200
Revenue Officers, 6 @ \$20 ..	..	..	..	..	..	120
3. Supreme Court—						
Chief Judge ..	..	..	..	..	..	120
4. Post-office—						
Chief Postmaster ..	..	..	..	..	..	100
Postmasters, 3 @ \$10 ..	..	..	..	..	..	30
5. Shipping-master ..	..	..	..	..	..	80
6. Paymaster and Clerk to Parliament and Government ..						150
7. Public Schools—						
Teachers ..	..	..	..	..	..	500
8. Auditor ..	..	..	..	..	..	100
9. Expenses, Chief of Government ..	..	..	..	..	..	200
10. Interpreting and clerical assistance ..	..	..	..	..	..	180
11. General Contingencies—						
Stationery, &c. ..	..	..	..	..	..	290
12. Public Works—						
Inspection ..	..	..	..	..	..	125
13. Subsidies: Dollar for dollar on public works undertaken by Local Councils, approved by the Federal Government and certified by its Inspector, to the following Councils, not exceeding in each case the sums hereafter mentioned—						
Rarotonga ..	..	..	..	..	..	1,000
Aitutaki ..	..	..	..	..	..	500
Mangaia ..	..	..	..	..	..	500
Atiu, Mitiaro, and Mauke ..	..	..	..	..	..	500
14. Maintenance of grounds at Ngatipu ..	..	..	..	..	..	150
15. Building a Parliament House ..	..	..	..	..	..	750
Total: Five thousand nine hundred and fifty-five dollars ..						<u><u>\$5,955</u></u>

SCHEDULE No. 2.

Subsidies to Rarotonga ..	..	..	..	..	..	\$
" Aitutaki ..	..	..	..	..	..	300
" Mangaia ..	..	..	..	..	..	300
" Atiu, Mitiaro, and Mauke ..	..	..	..	..	..	300
Total: Twelve hundred dollars ..	..	..	..	..	..	<u><u>\$1,200</u></u>

Dated at Avarua, this 6th day of July, 1892.

Approved. To come into operation from this date, 9th July, 1892.

FREDERICK J. MOSS, British Resident.

No. 7.—“SUBSIDIES ACT, 1892.” (8th July, 1892.)

It is hereby enacted by the British Resident and the Parliament of the Cook Islands, in order to secure the proper administration of subsidies voted by this Parliament to Local Councils :—

1. That Inspectors for each island shall be appointed by this Parliament, in such manner and with such remuneration as it may by resolution direct.
2. That Overseers shall be appointed by any Local Council receiving a subsidy, in such manner as that Council may direct.
3. That the duty of Inspectors shall be to see, on behalf of this Government, that the work for which a subsidy is claimed has been faithfully done, and is of twice the value of the sum claimed.
4. That the duty of the Overseers shall be to keep a record of the nature of the work done each day, and of the names and number of men employed thereon, and of the amounts due to or paid to each man so employed.
5. Before asking for a certificate from the Inspector, the Overseer or other officer appointed by the Council must send to the Inspector a copy of the daily record, to be attached to the certificate.
6. The Paymaster will not pay any claim unless accompanied by a certificate from the Inspector, with the above copies of the Overseer's daily record attached.
7. Any person falsifying his record, or the copy given by him to the Inspector, or any Inspector knowingly giving a false certificate, shall be liable to a penalty not exceeding one hundred dollars (\$100), to be recovered in the local Court, and paid to the Collector of Revenue for appropriation by this Parliament. Such Overseer or Inspector shall also be ineligible to hold any public office or to be a member of this Parliament for any period not exceeding ten years.

Dated at Avarua, this 8th day of July, 1892.

Approved. To come into operation from this date, the 9th July, 1892.

FREDERICK J. MOSS, British Resident.

No. 8.—FEDERAL FLAG.* (6th July, 1892.) Reserved.

[It is hereby enacted by the British Resident and the Parliament of the Cook Islands :—

1. That the flag for the Federation of the Cook Islands shall be as described in the Schedule hereto.
2. That vessels belonging to the Cook Islands shall use the said flag, but

* Not assented to. See 1893, No. 1.

that on shore the flag given to us at the proclamation of Great Britain's protectorate—namely, the Union Jack—shall continue to be hoisted in all public places.

Dated at Avarua, the 6th July, 1892.

Schedule.

Description of Flag for Marine use.—*Three horizontal stripes—red, white, and red—of equal width, with the Union Jack in the upper corner of the red stripe, if it be allowed.*

Reserved for consideration of His Excellency the Governor of New Zealand.

Frederick J. Moss, British Resident.

9th July, 1892.]

1893.

No. 1.—FEDERAL FLAG ACT, 1893.

WHEREAS the Federal Flag Act, No. 8 of 1892, was reserved by the British Resident, and has not become law: It is hereby enacted by the British Resident and the Parliament of the Cook Islands:—

1. That the flag for the Federation of the Cook Islands shall be described as in the Schedule hereto.

Dated at Avarua, the 31st day of July, 1893.

Approved. To come into operation forthwith.

FREDERICK J. MOSS, British Resident.

3rd August, 1893.

SCHEDULE.

The flag to be in proportions of 3 to 2 in length and breadth, with three equal horizontal stripes—red, white, and red alternately. The Union Jack to be quartered in the hoist, and to occupy one-fourth the flag. In the centre of the Union Jack a white oval shield bearing a cocoanut-palm in back. The upper and lower edges of the Union Jack respectively.

No. 2.—IMPORT DUTY AMENDMENT ACT, 1893.*

WHEREAS it is desirable to define more clearly the original cost and charges of all goods on which duty is payable under "The Import Duty Act, 1891": It is hereby enacted by the British Resident and the Parliament of the Cook Islands:—

1. That the term "original cost and charges till landed at the Cook Islands" shall mean the actual cost to the importer at the place from which the goods are exported, together with the value of the packages of any kind in which the goods are contained, and all charges which have been paid or are to be paid till the goods are landed in Rarotonga: Provided always that the original cost to the importer shall not in any case be less than the fair market value of the goods on the usual terms of credit in the country from which they were exported.
2. That the valuation for duty shall be expressed in the currency dollar of the Cook Islands, and that for the purposes of this Act the conversion of British money shall be at the rate of six and two-third dollars for one pound sterling, or of American money at the same rate for five dollars, or of French money at the same rate for twenty-five francs, and for the money of other countries in the like ratio.

3. *Drawbacks.*—The Government is authorised to allow drawbacks not exceeding two-thirds the amount of duty that may have been paid upon any articles exported after paying said duty to places beyond the Federation: Provided that this section shall not come into operation until the Government shall have framed regulations for safeguarding the revenue and fixing the charges to be paid by persons claiming such drawback.

Dated at Avarua, 25th July, 1893.

Approved. To come into operation forthwith.

27th July, 1893.

FREDERICK J. MOSS, British Resident.

No. 3.—ACT TO LEGALISE CERTAIN DIVORCES (1893).

WHEREAS certain inhabitants of the different islands of the Federation have been divorced in other than the islands to which they severally belong, and it is desirable to prevent any doubt as to the validity of such divorces: It is hereby enacted by the British Resident and the Parliament of the Cook Islands:—

1. That the persons named in the Schedule hereto have been and are legally divorced, and that the remarriage of any of the said persons was and is valid and legal.

* This Act has apparently been superseded by N.Z. Act 1901, No. 44, sec. 10.

SCHEDULE.

Rarotonga.

Husband.	Wife.	Husband.	Wife.
	<i>Avarua.</i>		<i>Mitiaro.</i>
Sadaraka.	Rebeka.	Maitu.	Kai.
Tere.	Puretu.	Teoru.	Nooangata.
Mangio.	Noongata.		<i>Titikaveka.</i>
Teora.	Adinada.	Teava.	Tera.
Tuporo.	Upoko.	Taunga.	Raku.
Oki.	Ngapoko.	Piri.	Ngaoi.
Pua.	Makirua.	Unu.	Vaevae.
Takaia.	Matepo.	Taivairanga.	Veerua.
Mukula.	Maraea.	Maki.	Mata.
Ah Te.	Pare.		<i>Matavera.</i>
Tuame.	Maria.	Ukarangi.	Upokotini.
Wallace.	Pirai.	Taura.	Ani.
	<i>Atiu.</i>	Takaroka.	Akimano.
Terongo.	Kuti.	Koro.	Pare.
Aaere.	Vaine.	Vananga.	Ngamata.
Rauange.	Akerongo.	Ngatokoa.	Pukao.
Teakakou.	Areauri.	Teakariki.	Terangi.
Teariki.	Ngaurunga.	Ngateina.	Ana.
Arerua.	Paku.	Tiare.	Pukenga.
	<i>Mauke.</i>		<i>Arorangi.</i>
Tipapa.	Tupuna.	Tiriaere.	Ngamata.
Josepha.	Tino.	Tamataia.	Tua.
	<i>Ngatangiia.</i>		<i>Atutaki.</i>
Teariki.	Tekura.	Joe.	Noomaunga.
Manea.	Ngapoko.	Manavaroa.	Tauariki.
Takero.	Noea.	Toma.	Poitu.
Ruatapu.	Pua.	Tesepano.	Tipoki.
Fiori.	Tara.	Kirikoi.	Aruru.
		Parai.	Pange.

Dated at Avarua, 20th July, 1893.

Approved. To come into operation forthwith.

FREDERICK J. MOSS.

3rd August, 1893.

No. 4.—RUNAWAY OFFENDERS ACT, 1893.

IT is hereby enacted by the British Resident and the Parliament of the Cook Islands:—

1. That, if any person break the law of any one of the islands in the Federation, and escape to any other island of the Federation, to avoid trial or payment of any fine that may have been imposed upon him after trial, the Ariki of the district from which he has escaped may apply to the Ariki of the district to which he has fled in order that the said runaway may be judged or made to pay the fine due from him.

2. Upon such application, the Ariki of the district to whom it is made shall cause the Judge of the district to inquire into the case, and treat the offence as if it were committed in his own district. He shall pay to the Ariki

of the district in which the offence was committed any fine collected from the offender.

3. If any Ariki to whom application is made neglect to refer it to the Judge, or if the Judge neglect to try the case and take due action thereon, the district of the said Ariki shall be fined in such sum as the Federal Parliament may decide, and the fine shall be deducted from any subsidies to be paid to the island in which the district is situated.

Dated at Avarua, 25th July, 1893.

Approved. To go into operation from this date.

3rd August, 1893.

FREDERICK J. MOSS, British Resident.

No. 5.—SHIPS' LIGHTS. (1893.)

It is hereby enacted by the British Resident and the Parliament of the Cook Islands:—

1. That every sailing-ship belonging to the Cook Islands, or carrying the Cook Islands flag, shall show the same lights, and in the same manner, as are required by the regulations for preventing collisions at sea now in force for the British shipping, under the Orders in Council issued by Her Britannic Majesty.

2. That the Collector of Revenue at the Port of Avarua shall be the officer responsible for the due observance of this law, and shall complain of any breach thereof.

3. The penalty for breaking this law shall be a fine not exceeding two hundred and fifty dollars, to be imposed by the Supreme Court on the master or other person in charge of any vessel who is convicted of the breach thereof.

Dated at Avarua, the 27th day of July, 1893.

Approved. To come into operation forthwith.

3rd August, 1893.

FREDERICK J. MOSS, British Resident.

No. 6.—REGISTRATION AMENDMENT ACT—BIRTHS, DEATHS, AND MARRIAGES. (1893.)

It is hereby enacted by the British Resident and the Parliament of the Cook Islands:—

1. That there shall be in future three registration officers in Aitutaki and three in Mangaia, and that section 3 of the Registration Act (No. 2) of 1892 is amended accordingly.

Dated at Avarua, 27th July, 1893.

Approved. To come into operation forthwith.

3rd August, 1893.

FREDERICK J. MOSS, British Resident.

No. 7.—APPROPRIATION ACT, 1893.

It is hereby enacted by the British Resident and the Parliament of the Cook Islands:—

1. That the expenditure for the public service for the year ending 30th June, 1894, shall not exceed the sums respectively stated, and shall be applied to the purposes respectively named, that is to say,—

1. Fixed appropriation—	\$	\$
Members of Parliament	360	
Subsidiaries to local governments	2,400	
	—————	2,760
2. Collection of revenue	320	
3. Supreme Court	120	
4. Post-office	130	
5. Shipping-office	80	
6. Paymaster and Clerk to Parliament and Government	150	
7. Auditor	100	
8. Expenses, Chief of Government	200	
9. Interpreting and clerical assistance	180	
10. General contingencies	500	
11. Ngatipa (maintenance)	150	
12. Parliament House	900	
13. Printing and stationery	300	
14. Passages of members	90	
15. Draining road, Ngatipa, and bridging creek	160	
Total : Six thousand one hundred and forty dollars	—————	\$6,140

2. That the Paymaster shall not issue any cheques in payment of accounts unless formally authorised by the Chief of the Government, after they have been certified by the Auditor as being in accordance with this Act.

3. The bankers of the Government shall pay only such cheques as are signed by the Paymaster and countersigned by the Auditor.

Approved. To go into operation forthwith.

5th August, 1893. FREDERICK J. MOSS, British Resident.

1894.

No. 1, 1894.—TO ESTABLISH A BRITISH CURRENCY.*

It is hereby enacted by the British Resident and the Parliament of the Cook Islands:—

1. That no action under this law shall be taken by the Chief of the Government without the previous approval in writing of the British Resident.

* See also 1902, No. 7.

2. That the Chief of the Government shall, by Proclamation, fix a date from and after which the current gold and silver coinage of the United Kingdom of Great Britain and Ireland shall be the only coinage current as legal tender in the Cook Islands.*

3. No person shall be obliged to accept as legal tender silver coins to an amount exceeding five pounds, nor copper coins exceeding one shilling, in any one payment.

4. The Chief of the Government is hereby authorised to issue, with the approval of the British Resident, as hereinbefore provided, Government notes to an amount not exceeding in all the sum of two thousand pounds, in such form and of such separate amounts as may be found most suitable.

5. The said notes shall be numbered consecutively, and entered in a registry, so kept as to indicate the dates of issue and the amount in circulation at any one time. They shall be signed and countersigned by persons appointed by public notification by the Chief of the Government, and approved by the British Resident.

6. Any person or persons may obtain Government notes as an advance secured upon the deposit of Chilian or other dollars now current; but such advance shall not exceed two shillings on each dollar.

7. The dollars upon which an advance has been made shall be exported for sale, and on receipt of the proceeds in British coin the advance shall be repaid therefrom. If there be a deficiency, the person or persons to whom the advance has been made shall make good such deficiency. If there be a surplus it shall be paid to the said person or persons.

8. The amount of the notes in circulation shall not at any time exceed the amount of the dollars held by the Government in security at the rates aforesaid, or the amount of British coin representing the full value of said notes.

9. The said notes shall be received for import duty, and all other dues payable to the Federal Government of the Cook Islands, or to the local Government in each of the islands forming the Federation. They are hereby secured upon the federal revenues of the Cook Islands, and shall be all or any of them redeemable in British coin at such time or times as the Chief of the Government may by Proclamation direct.

10. All obligations of the Government for salaries or otherwise existing when the change to British currency is made shall be estimated at three shillings to the dollar, and all sums due to the Government may be compounded for British coin at the same rate.

11. The Chief of the Government is authorised to make all arrangements and appointments, and to incur all expenditure necessary to give effect to this Act.

Dated at Rarotonga, this 27th day of July, 1894.

Approved. To come into operation forthwith.

7th August, 1894.

FREDERICK J. MOSS, British Resident.

*By Proclamation of 6th November, 1894, such date was fixed as the 1st January, 1895.

No. 2, 1894.—“SUPREME COURT ACT 1891 AMENDMENT ACT,
1894.”*

[Whereas a Court was established in the year 1891 for the enforcement of Federal laws and other purposes stated in the said Act: And whereas the name given at the time to the said Court is misleading, in so far that it has no connection as a Court of Appeal or otherwise with the Arikis' Courts in each island:

It is hereby enacted by the British Resident and the Parliament of the Cook Islands:—

1. That the said Court shall henceforth be styled the Federal Court of the Cook Islands.

Dated at Rarotonga, this 1st day of August, 1894.

Approved. To come into operation forthwith.

7th August, 1894.

Frederick J. Moss, British Resident.]

No. 3, 1894.—PASSENGERS.

IT is hereby enacted by the British Resident and the Parliament of the Cook Islands —

1. That no sailing-vessel shall carry from island to island within the Federation, nor from any of the Cook Islands to places beyond the Federation, a number of passengers in excess of those provided in the Schedule to this Act.

2. That the Collector of Revenue in Rarotonga may refuse to give clearance to any sailing-vessel carrying passengers until satisfied that the said vessel is seaworthy, and provided with a proper supply of boats, food, and water.

3. That the penalty for breaking this law shall be a fine not exceeding one hundred dollars, to be recovered by the Collector in the Federal Court of the Cook Islands from the master or owners of the vessel; and any passenger refusing to leave the vessel when ordered by the master so to do shall be liable to a fine not exceeding forty dollars.

4. That the Collector of Revenue is charged with the enforcement of this law.

Dated at Rarotonga, this 1st day of August, 1894.

* This Act was repealed by 1898, No. 1, sec. 1.

SCHEDULE.

Tonnage.							Within the Federation.	Beyond the Federation.
10 tons							Passengers.	Passengers.
20 "							10	3
30 "							20	5
40 "							30	15
And for every additional 2 tons							40	20
No vessel up to 100 tons to carry more than							2	1
No vessel up to 200 tons to carry more than							..	50
							100	..

Approved. To come into operation forthwith.

FREDERICK J. MOSS, British Resident.

7th August, 1894.

No. 4, 1894.—“APPROPRIATION ACT, 1894.”

It is hereby enacted by the British Resident and the Parliament of the Cook Islands:—

1. That the expenditure for the public service for the year ending 30th June, 1895, shall not exceed the sums stated in Schedule A of this Act, amounting in all to eight thousand eight hundred and two dollars.
2. That the Chief of the Government, with the approval of the British Resident, may authorise the transfer of savings from any vote (other than a vote for salaries) to any vote (other than a vote for salary) for which it may be found that sufficient provision has not been made in the said Schedule. Also that a statement of transfers so made shall be laid before Parliament at the next session.
3. That every account against the Government shall, before it is sent to the Auditor, be certified by the British Resident, or by persons appointed for each Department or service by the Chief of the Government, with the approval of the British Resident. That such certificates shall state that the services therein to be paid for have been duly performed, or the articles charged for duly supplied, and that the prices are fair and reasonable.
4. That the various sums in Schedule B of this Act, which have been paid under the authority of Act No. 4 of 1892 (unauthorised expenditure) shall be charged to the purposes named in the said Schedule to the amount of seven hundred and seventy-six dollars and thirty-eight cents.
5. That no money shall be paid except on cheques signed by the Paymaster, and countersigned by the Auditor.

Dated at Rarotonga, this 8th day of August, 1894.

SCHEDULE A.

Vote No.	Service.	Amount.	Total.
1	Fixed Appropriations—	\$	\$
	Members of Parliament	360	
	Subsidies—		
	Atiu, Mitiaro, and Mauke	460	
	Aitutaki	600	
	Mangaia	600	
	Rarotonga	600	
			2,620
2	Collection of Revenue—		
	Collector	200	
	5 Revenue Officers	100	
	1 Revenue Officer	50	
			350
3	Federal Court: Chief Judge	..	120
4	Post-office—		
	* Chief Postmaster	100	
	3 Postmasters	30	
	Clerical assistance	60	
	Postal delivery and contingencies	100	
			290
5	Shipping Master	..	80
6	Paymaster and Clerk to Parliament and Government	..	200
7	Auditor	..	100
8	Expenses, Chief of Government	..	200
9	Interpreting, and clerical assistance	..	180
10	General contingencies	..	992
11	Ngatipa	..	150
12	Parliament House	..	500
13	Printing, stationery, &c.	..	450
14	Passages of Members	..	90
15	Expenses of Parliament	..	120
16	Road to the English school at Nikao	..	300
17	Towards expenses of opening school	..	200
18	Establishing British currency, expense of printing, &c.	..	500
19	Maintenance of children at school (Nikao)	..	500
20	Subsidies in aid of Arikis' Courts and Police—		
	Mangaia	160	
	Aitutaki	160	
	Atiu, Mitiaro, and Mauke	160	
	Rarotonga	380	
			860
	Total ..	..	\$8,802

SCHEDULE B.

		\$	c.
Interpreting and clerical assistance	..	99	20
General contingencies	..	469	17
Printing, stationery, &c.	..	139	69
Parliament House	..	68	32
Total	..	\$776	38

Approved. To come into operation forthwith.

FREDERICK J. MOSS, British Resident.

11th August, 1894.

No. 5, 1894.—GOVERNMENT DEBTORS.

WHEREAS by the Provisional Powers Act, of 10th June, 1891, power was given to the Federal Government "to make all public moneys held by any person or persons a first charge on property or goods owned by such person or persons within the Cook Islands": And whereas it is desirable to make such provision permanent: It is hereby enacted by the British Resident and the Parliament of Cook Islands:—

1. That all moneys due to the Federal Government, or to any of the local Governments of the Cook Islands, shall be and are hereby declared to be a first charge on the property of the person or persons owing such money.
2. That on proof of such debt before a Judge of the Federal Court, sitting in Chambers, he shall issue an order authorising any person, duly appointed for that purpose under the hand of the Chief of the Government, to enter upon and take possession of all property within the Cook Islands in possession of or belonging to such debtor or debtors, including books, book debts, and accounts, and to hold the same in custody for a period of four weeks from the date of the said order.
3. That the Custodian shall cause a proper inventory of such property to be taken, and shall report the same within the four weeks above named to a Judge of the Federal Court, who may then order such property, or such portion thereof as he may consider necessary, to be realised, in such manner as may seem to him most suitable.
4. That the proceeds of such sale shall be deposited with the Federal Court and appropriated to the payment in full, or, if insufficient for that purpose, to the payment in such proportions as the Court may direct, with the approval of the British Resident, of debts to the Federal Government or to the Government of any island respectively.
5. That, failing the appointment of any person by the Chief of the Government, the Collector of Revenue shall take all necessary action under this Act.

Dated at Rarotonga, this 20th day of August, 1894.

Approved. To come into operation forthwith.

FREDERICK J. MOSS, British Resident.

21st August, 1894.

DECLARATION AS TO LAND.*

We, the Parliament of the Cook Islands Federation, having regard to the great importance of all matters connected with the land, hereby declare the customs of the Maori in that matter from time immemorial to the present day. These customs can only be changed by laws made for that purpose

* This Declaration, though not an Act, seems of sufficient importance to be inserted here.

by the Council of the island in which is situated the land about which the law is to be made.

We, the Parliament, cannot make such laws. We can only say what is now the Maori law and custom on these islands, and we do so because we find that the laws and customs of foreigners are different to ours in this great matter. We wish all people to know those differences, so that none may be misled.

THE OWNER.

The land is owned by the tribe ; but its use is with the family who occupy that land. The family consists of all the children who have a common ancestor, together with the adopted children, and all the descendants who have not entered other tribes.

The control of that land rests with the head of the family ; but it is for the support of all the family, and all the children have a right to that support, as well as the others of the family who may be in distress from sickness, weakness, or old age. We are told that, among foreigners, the man or woman in whose name the land is placed can lease or sell that land and keep the money. Also, that he can pledge that land in security for borrowed money, and that, if he fail to pay back that money, or to pay the interest upon it, or if he owe money for goods or other things, the creditor can take that land and leave the family in poverty and dependent upon others for their support. We wish all men to know that this is not the Maori custom or law, but that the land is for the family, for their support, and cannot be taken from them.

SELLING LAND.

This has always been prohibited in the Cook Islands. No Maori can sell to another Maori, or to a foreigner. Therefore on that point we need not say more.

LEASING LAND.

Land has been leased in two ways : (1) For fixed periods, and with rent to be paid in money ; (2) for indefinite periods on the Maori tenure, and with rent to be paid in services or in kind.

Those leases for land which has been openly occupied, and is occupied now, are agreements which the law must uphold. But they are to be interpreted according to Maori law, and not according to foreign laws or customs. Thus, the Maori law will not help or know any one who takes a lease merely to make money by selling that lease to some other person. The land is for the shelter and support of the family, and must be used for that purpose, or the family will become burdens on strangers and other people. Also, the lease to such land cannot be taken away by a creditor ; nor must it be sold to another unless the person who holds that lease, and who wishes to sell, make at the same time proper provision for the sustenance of those who have been dependent upon him and upon that land. To care for them is the first thing to be considered in any changes that the law may make.

Also, the right of access to water on that land, and the right to a road through it, can never be taken from the people without a special law of the Council of the island in which the land is situated, and that law being approved by the Council of Arikis and the British Resident.

But as to such roads, the lessee has a right at any time to call on the Government to mark off that road, so that if he wishes to fence and improve that land he may do so without fear that his work will be thrown away.

We, the Parliament of the Federation, speak of the past and of the present in order that all people may understand the Maori law in this great matter of the land. As to the future, it is for each island to make its own laws, which must be approved by the Council of Arikis and the British Resident. But we ask the Councils never to depart from the Maori maxim that the land is for the support of all, and that every one must have enough for the maintenance of himself or herself and the children and others dependent upon them. If the Councils depart from this maxim, who, we ask, will provide food and shelter for those who have no land, and who are weak or sick, or old, or unable to get work from strangers and other people ?

FENCING LAND.

This is another great matter. Who will plant for a future day unless sure that he or his children will reap the fruit of his labour ? Will he plan merely for other people's cattle or horses or pigs to destroy the work he has done ? It is not for us, the Parliament, to deal with this matter, but for the Councils of the different islands. We speak of it only because we are met here from all the islands, and can consider together what concerns them all. So we ask the Arikis and the Councils to protect from cattle and horses and pigs those people who wish to plant coffee and other valuable products which would make these islands and their people rich and prosperous.

Dated at Rarotonga, this 3rd day of August, 1894.

1895.

No. 1, 1895.—AN ACT TO GUARD AGAINST SECRET DEALINGS IN LAND.

WHEREAS it is desirable that all dealings in land should be open and publicly known at the time :

It is hereby enacted by the British Resident and the Parliament of the Cook Islands :—

1. That all transactions in land must from the passing of this Act be registered in the Registry of Rarotonga within three months of the deeds

being signed, or they will not be recognised in any Court of law in the Cook Islands.

2. That all deeds executed up to the present time in any of the islands must also be registered before the 31st December, 1895, or they will not be recognised in any Court of law in the Cook Islands.

3. That such registration shall be marked upon the deed by the Registrar with the words "Entered in the Registry of the Cook Islands this day of , in accordance with the Act." But such registration is only for security of the deed, and does not in any way give additional validity.

4. That the Registrar shall, as soon as possible after the passing of this Act, publish for general information, in such form as the Chief of the Government may from time to time direct, the following particulars of all deeds registered in the past, or that may be registered hereafter:—

- (1.) The names of the parties and the date of the deed.
- (2.) The name and description of the land.
- (3.) The nature of the interest conveyed by the deed.
- (4.) The amount of consideration.

5. That every person registering a deed concerning land shall pay to the Registrar a fee of two shillings to cover the expenses attending the publication.

6. That in case of protest from any person against any transfer or other dealings with land, such protest may be sent to the Registrar of Deeds for record in the same manner and on the same conditions as those made for the record of other papers or deeds.

Dated at Avarua, this 26th day of July, 1895.

Approved. To come into operation forthwith.

FREDERICK J. MOSS, British Resident.

26th July, 1895.

No. 2, 1895.—SCHOOLS ACT.*

WHEREAS it is desirable that the English language should be so taught to the Maori people in order that they may be able at the least to read freely in that language: And whereas it is desirable to secure such teaching in schools established or that may be established by other than Maori teachers in the Cook Islands.

It is hereby enacted by the British Resident and the Parliament of the Cook Islands:—

1. That the chief resident authority in any school at present established or which may hereafter be established shall apply to the Chief of the Government for a certificate, and shall in such application state what provision is made for the teaching of English, and who is to be held responsible for the due observance of this Act.

* School attendance. See 1903, No. 12.

2. That the Chief of the Government, subject to approval by the British Resident, shall thereupon issue a certificate to the applicant in the form provided in the Schedule hereto.

3. That the school shall be open at any time to inspection by some person appointed by the Chief of the Government for the purpose of reporting on the result of the teaching of English in such school.

4. That if the report of the Inspector shall render such action necessary, the Chief of the Government shall send a copy of the report to the person responsible under this Act, and shall call upon such person to make within a period of not less than three months such provision or alteration as may be deemed necessary for the purposes of this Act.

5. That if the inspection be obstructed, or the provision or alteration deemed necessary shall not be duly made, the Chief of the Government, subject to approval by the British Resident, may declare the certificate suspended for a fixed period, or cancelled.

6. That any person teaching in a school not certificated, or from which the certificate has been temporarily or permanently withdrawn in accordance with section 5 of this Act, or obstructing the Inspector of the said school, shall be liable to a fine not exceeding five pounds for every offence.

7. That jurisdiction under this Act shall rest solely on the Federal* Court of the Cook Islands.

Dated at Avarua, this 7th day of August, 1895.

Approved. To come into operation from this date.

FREDERICK J. MOSS, British Resident.

12th August, 1895.

SCHEDULE.

I, , Chief of the Government of the Cook Islands Federation, do hereby, under authority of "The Schools Act, 1895," and in accordance with the provisions thereof, certify that is authorised to establish a school at , in the Cook Islands,

, Chief of the Government.

Approved. , British Resident.

No. 3, 1895.—IMPORT DUTY AMENDMENT ACT.†

[Whereas it is desirable to provide for a hospital, and for the maintenance thereof, in Rarotonga :

It is hereby enacted by the British Resident and the Parliament of the Cook Islands :

1. That a duty of 1 per cent. shall be levied on all imports into the Cook Islands, and the proceeds applied to the erection and maintenance of a hospital, at which advice and medicine and general medical or surgical treatment shall

* Now the High Court. † This Act was repealed by 1898, No. 2, sec. 2.

*be given without charge to all applicants, within certain hours to be fixed by the Chief of the Government.**

2. *That any money collected under this Act shall be kept in a separate and special account, to be called the "Public Hospital Fund."*

3. *That this Act shall read with and be an addition in all other respects to Acts Nos. 2 and 3 of 1891, and Act No. 2 of 1893.*

4. *This Act shall come into operation on the 1st day of October, 1895.*

Dated at Avarua, this 15th day of August, 1895.

Approved. To come into operation on 1st October, 1895.

Frederick J. Moss, British Resident.

20th August, 1895.]

No. 4, 1895.—APPROPRIATION ACT.

It is hereby enacted by the British Resident and the Parliament of the Cook Islands:—

1. That the expenditure for the Public Service for the year ending the 30th June, 1896, shall not exceed the sums stated in Schedule A of this Act, amounting in all to one thousand three hundred and thirteen pounds (£1,313).

2. That the Chief of the Government, with the approval of the British Resident, may authorise the transfer of savings from any vote (other than a vote for salaries) to any vote (other than a vote for salaries) for which it may be found that sufficient provision has not been made in this said Schedule. Also that a statement of transfers so made shall be laid before Parliament at the next session.

3. That every account against the Government shall, before it is sent to the Auditor, be certified by the British Resident, or by persons appointed for each Department or service by the Chief of the Government with the approval of the British Resident; that such certificates shall state that the services therein to be paid have been properly performed, or the articles charged have been duly supplied, and that the prices are fair and reasonable.

4. That the various sums in Schedule B of this Act which have been paid under the authority of Act No. 4 of 1892 (unauthorised expenditure) shall be charged to the purposes named in the said Schedule, to the amount of ninety-one pounds four shillings and one penny (£91 4s. 1d.).

5. That no money shall be paid except on cheques signed by the Paymaster and countersigned by the Auditor.

Dated at Rarotonga, this 20th day of August, 1895.

Approved. To come into operation forthwith.

FREDERICK J. MOSS, British Resident.

20th August, 1895.

* Section 1 was repealed by 1897, No. 1, sec. 1.

SCHEDULE A.

Vote.	Service.	Amount.	Total.
1	Fixed Appropriations— Payment of Members	54 0 0	
	Subsidies— Atiu, Mitiaro, and Mauke	45 0 0	
	Aitutaki	45 0 0	
	Mangaia	45 0 0	
	Rarotonga	45 0 0	
			234 0 0
2	Collection of Revenue— Collector	30 0 0	
	4 Revenue Officers	12 0 0	
	Mangaia	6 0 0	
	Aitutaki	7 10 0	
			55 10 0
3	Federal Court: Chief Judge .. .. ..	..	18 0 0
4	Post-office— Chief Postmaster	15 0 0	
	3 Postmasters	4 10 0	
	Clerical assistance	9 0 0	
	Postal delivery	15 0 0	
			43 10 0
5	Shipping-master .. .. ..	..	12 0 0
6	Paymaster and Clerk to Parliament and Government .. .. ..	..	30 0 0
7	Auditor .. .. ..	..	15 0 0
8	Expenses, Chief of the Government .. .. ..	..	30 0 0
9	Interpreting, and clerical assistance .. .. ..	..	45 0 0
10	General contingencies .. .. ..	..	90 0 0
11	Ngatipa .. .. ..	..	22 10 0
12	Printing, stationery, &c. .. .. ..	..	90 0 0
13	Passages of Members .. .. ..	..	13 10 0
14	Expenses of Parliament House .. .. ..	..	20 0 0
15	Maintenance of children, Tereora School, Nikao .. .. ..	..	125 0 0
16	Subsidies in aid of Arikis' Courts— Mangaia	24 0 0	
	Atiu, Mitiaro, and Mauke	24 0 0	
	Rarotonga	57 0 0	
	Aitutaki	24 0 0	
			129 0 0
17	Fair .. .. ..	..	30 0 0
18	Printing-press and type .. .. ..	..	40 0 0
19	Care of insane .. .. ..	..	50 0 0
20	Hospital .. .. ..	..	220 0 0
			£1,313 0 0

SCHEDULE B.

	£	s.	d.
General contingencies (Morrin and Co.)	15	0	0
Post-office (New Zealand Government)	27	10	2
Interpreting and clerical assistance (H. Nicholas)	12	3	4
Stationery, printing (Wildman and Lyell)	21	10	10
Parliament House (Makea Daniels)	14	19	9
			£91 4 1

1896.

No. 1, 1896.—TO PREVENT THE LANDING OF CERTAIN OBJECTIONABLE PERSONS IN THE COOK ISLANDS.*

[Whereas it has become necessary to put a stop to the deportation from other countries to the Cook Islands of persons of notoriously bad character, drunken habits, or of unsound mind, and to guard against such persons being made a burden to the Government and people of the Cook Islands :

Be it enacted by the British Resident and the Parliament of the Cook Islands :—

1. That the master of a vessel leaving on shore any person or persons not belonging to the Cook Islands at any of the Cook Islands other than Rarotonga shall not leave the group without proceeding to Rarotonga and reporting the landing of such person or persons to the Collector.
2. That the Collector may call upon the said master to give substantial guarantee to an amount not exceeding fifty pounds for each person so left that the said person will not become within twelve months from the date of his landing a charge upon the revenue of the Cook Islands or of any separate island of the Federation.
3. That every master of a vessel landing or leaving behind in Rarotonga any person who may have arrived in his vessel shall report the same to the Collector in Rarotonga, and shall, if required by the said Collector, give a guarantee in accordance with the above section No. 2.
4. That if the master of the vessel neglects to give this guarantee he shall be summoned by the Collector before the Federal Court in Avarua, and the decision of the Judge of the said Court, with the approval of the British Resident, shall be final.
5. That the penalty for contravention of this Act or any part thereof shall be a sum not exceeding one hundred pounds, recoverable by the Collector in the Federal Court, and paid by him to credit of the Federal revenue.
6. That the said penalty shall be recoverable from the master of the vessel and, failing him, from the owners thereof.
7. That it shall be optional with the master of the vessel to take the person objected to back to the country or island from which he had been brought. In such case the Federal Court is hereby empowered to take all steps necessary to secure the return of the said person, and, failing such return, to keep him in custody and send him by another vessel, at the expense of the master or owners of the vessel by which he was brought to the Cook Islands.

Dated at Avarua, this 6th day of August, 1896.

Approved. To go into operation forthwith.

Frederick J. Moss, British Resident.

10th August, 1896.]

* This Act was repealed by Federal Ordinance 1904, No. 14, sec. 9.

**No. 2, 1896.—TO PREVENT THE RECKLESS LANDING OF SICK
SEAMEN OR OTHERS EMPLOYED IN SHIPS AT THE COOK
ISLANDS.**

Be it enacted by the British Resident and the Parliament of the Cook Islands :—

1. That no seamen or other person employed on board any vessel, and not belonging to the Cook Islands, shall be left in the Cook Islands on account of sickness without provision being made by the master of the vessel or other qualified person or persons, to the satisfaction of the shipping-master, for his support to an amount not exceeding thirty pounds.

2. The penalty for contravention of this Act shall be a sum not exceeding sixty pounds, recoverable by the shipping-master in the Federal Court in Avarua, and to be paid by him into the Federal revenue.

3. The said penalty shall be recoverable from the master, or, failing him, from the owners of the vessel.

Dated at Avarua, this 30th day of July, 1896.

Approved. To go into operation forthwith.

FREDERICK J. MOSS, British Resident.

10th August, 1896.

**No. 3, 1896.—FOR COMPILING AND PRINTING THE FEDERAL
LAWS.**

WHEREAS the means for printing at Rarotonga are now at command :

Be it enacted by the British Resident and the Parliament of the Cook Islands :—

1. The Chief of the Government and the Chairman of this Parliament are hereby empowered to have properly compiled all Federal laws that may be in force at the closing of the present session of Parliament.

2. The said chief of the Government and the Chairman of Parliament are also authorised to make such alterations as may remedy obvious defects, or may render the meaning of laws more clear. The compilation so made shall then be submitted for approval by the British Resident.

3. Such approval shall be publicly notified by the Chief of the Government in the usual form, and the said compilation shall thereafter have full force and effect as the Federal laws of the Cook Islands, and all other Federal laws be repealed.

4. This Act shall not have reference to regulations made under any Federal law, which regulations shall remain in full force and effect.

Dated at Avarua, this 27th day of July, 1896.

Approved. To go into operation forthwith.

FREDERICK J. MOSS, British Resident.

10th August, 1896.

No. 4, 1896.—TO PUNISH THE CRIMES OF MURDER AND MURDEROUS ASSAULT.*

WHEREAS the laws of the several islands of the Federation make no proper provision for punishing the crimes of murder and murderous assault:

Be it enacted by the British Resident and the Parliament of the Cook Islands:—

1. That whoever with deliberate intent and with malice aforethought, or while perpetrating any criminal deed, shall kill any person or cause the death of any person shall be guilty of murder.

2. That whoever with such intent or malice, or while perpetrating any criminal deed, shall do to any person serious injury, imperilling life but not resulting in the death of such injured person, shall be guilty of murderous assault.

3. That any person charged with either of the above offences shall be brought before the Arikis' Court of the district in which the offence has been committed, and may by the said Court be sent as a prisoner for trial by the Federal Court in Rarotonga.

4. That if the said prisoner be found guilty of murder he shall suffer death, or such other punishment as the Federal Court may award.

5. That if the said prisoner be found guilty of murderous assault he shall suffer such punishment, not exceeding ten years' imprisonment with hard labour, as the Court may award.

6. That these sentences shall be subject to approval by the Chief of the Government and the British Resident, and when so approved shall be carried out in such manner and by such persons as the Chief of the Government may in writing appoint.

Dated at Avarua, this 27th day of July, 1896.

Approved. To go into operation forthwith.

FREDERICK J. MOSS, British Resident.

10th August, 1896.

No. 5, 1896.—HOSPITAL BOARD.

WHEREAS it is desirable that the hospital should as much as possible be under the supervision of the people, and receive their full sympathy and support:

Be it enacted by the British Resident and the Parliament of the Cook Islands:—

1. That the Chief of the Government may at any time authorise the formation of a hospital Board, to consist of twelve persons, namely,—

* See 1899, No. 9, sec. 2, adopting "The (New Zealand) Criminal Code Act, 1893."

Six persons elected yearly by all other than Maoris who have been for the previous year resident in the Cook Islands;

Six persons, of whom two shall be elected yearly by the Maori people of Avarua, two by the people of Takitumu, and two by the people of Arorangi;

And may make all necessary arrangements and regulations for the conduct of such elections.

2. It shall be lawful for the Government, in the formation of such a Board, to hand over to it the hospital, and to pay to said Board any sums available for the maintenance of such hospital.

3. The entire management and control of the said hospital shall be vested in the Board, which shall send to the Chief of the Government, not later than the 8th day of July in each year, a full report on the hospital and accounts of its expenditure to the 30th June preceding.

4. The British Resident and any Ariki of any of the Cook Islands shall, *ex officio*, be Visitors of the said hospital.

5. The said Board shall regulate its own proceedings, and, in the event of a vacancy among the members, shall appoint some person to act until the next regular election.

Dated at Avarua, the 6th day of August, 1896.

Approved. To go into operation forthwith.

FREDERICK J. MOSS, British Resident.

10th August, 1896.

NO. 6, 1896.—TO STRENGTHEN ARIKIS' COURTS.*

[Be it enacted by the British Resident and the Parliament of Cook Islands:—

1. That if any person neglect or refuse to obey the judgment of an Ariki's Court in any of the Cook Islands the Judge of such Court may, with the previous approval in writing of the British Resident, cause such person to be sent in proper custody for trial by the Federal Court in Rarotonga for contempt of Court.

2. That the prosecution shall be in the name of the local government of the island in which the contempt was committed, but the costs of sending the person for trial shall be borne by the Federal Government.

3. That the penalty for such contempt of Court shall be any sum not exceeding twenty pounds, in addition to enforcing the original judgment of the Ariki's Court, and, failing the payment of such fine and the satisfaction of such judgment, to such term of imprisonment in Rarotonga, not exceeding six months,

* This Act was repealed by 1899, No. 9, sec. 9.

and with or without hard labour, as the Federal Court may, with the approval of the British Resident, decide.

Dated at Avarua, this 5th day of August, 1896.

Approved. To go into operation forthwith.

Frederick J. Moss, British Resident.

10th August, 1896.]

No. 7, 1896.—“APPROPRIATION ACT, 1896.”

IT is hereby enacted by the British Resident and the Parliament of the Cook Islands :—

1. That the expenditure for the Public Service for the year ending the 30th June, 1896, shall not exceed the sums stated in Schedule A of this Act, amounting in all to one thousand seven hundred and forty-two pounds twelve shillings.
2. That the Chief of the Government, with the approval of the British Resident, may authorise the transfer of moneys from any vote (other than a vote for salaries) to any vote (other than a vote for salaries) for which it may be found that sufficient provision has not been made in the said Schedule. Also, that a statement of transfers so made shall be laid before Parliament at the next session.
3. That every account against the Government shall, before it is sent to the Auditor, be certified by the British Resident, or by persons appointed for each Department or service by the Chief of the Government with the approval of the British Resident; such certificate shall state that the services therein named have been properly performed, or that the articles charged have been duly supplied, and that the prices are fair and reasonable.
4. That the various sums in Schedule B of this Act which have been paid under the authority of Act 4, 1892 (unauthorised expenditure) shall be charged to the purposes named in the said Schedule, to the amount of one hundred and twenty pounds.
5. That no money shall be paid except on cheques signed by the Paymaster and countersigned by the Auditor.

Dated at Rarotonga, this 10th day of August, 1895.

Approved. To go into operation forthwith.

FREDERICK J. MOSS, British Resident.

11th August, 1896.

SCHEDULE A.

Vote.	Service.	Amount.	Total.
	Fixed Appropriations—		
	Payment of Members	54 0 0	
	Subsidies to Island Councils	180 0 0	234 0 0
2	Collection of Revenue .. ..	..	55 10 0
3	Federal Court .. ..	..	18 0 0
4	Post-office salaries, rent, and expenses ..	59 0 0	
	Three years' carriage of ocean mails, due in 1897 ..	30 0 0	
			89 0 0
5	Shipping-master .. ..	..	12 0 0
6	Paymaster and Clerk to Parliament and Government .. ..	..	30 0 0
7	Auditor .. ..	..	15 0 0
8	Expenses, Chief of the Government .. ..	..	30 0 0
9	Interpreting and clerical assistance .. ..	..	45 0 0
10	General contingencies	90 0 0	
	Liabilities from 1895-96	25 2 0	
			115 2 0
11	Ngatipa .. ..	..	22 10 0
12	Printing, stationery, &c.	90 0 0	
	Liabilities from 1895-96	25 0 0	
	Compiling and printing the laws of Federation and various islands	50 0 0	
			165 0 0
13	Passages of Members .. ..	..	13 10 0
14	Expenses of Parliament .. ..	..	20 0 0
15	Maintenance of children at Tereora School .. ..	..	125 0 0
16	Subsidies in aid of Arikis' Courts and Police .. ..	..	129 0 0
17	Printing-paper and material for printing laws .. ..	..	20 0 0
18	Care of the insane .. ..	..	50 0 0
19	Hospital	190 0 0	
	Liability for 1895-96	25 0 0	
			215 0 0
20	School fittings and furniture—		
	Liability for 1895-96	162 0 0	
	For new schools	60 0 0	
			222 0 0
21	Subsidy to proposed wharf and shed .. ..	..	50 0 0
22	Post-office—Rent due, three years .. ..	..	27 0 0
23	Road from Avarua Settlement to back road at Ngatipa .. ..	..	40 0 0
			1,742 12 0

SCHEDULE B.

Hospital—Expenditure during 1895-96 under "Unauthorised" £120 0 0

1897.

No. 1.—“IMPORT DUTY AMENDMENT ACT 1895 AMENDMENT,
1897.”*

[Short Title.—“*Import Duty Amendment Act, 1897*” (passed 22nd July, 1897).

Whereas by “*The Hospital Board Act, 1896*,” a Board was created for the management and control of the Cook Islands Hospital, and it is desirable that the Board should have full power to make regulations from time to time in accordance with the means at their disposal, and be subject in such matters only to the approval of the people by whom they are elected:

Be it enacted by the British Resident and the Parliament of the Cook Islands:—

1. That section one of “*The Import Duty Amendment Act, 1895*,” is hereby repealed, and the following substituted: “That a duty of one per centum shall be levied on all dutiable imports into the Cook Islands, and the proceeds be applied to the maintenance of a hospital, to be known as the Cook Islands Hospital.”

Dated at Rarotonga, this 22nd day of July, 1897.

Approved. To go into operation forthwith.

Frederick J. Moss, British Resident.

26th July, 1897.]

1898.

No. 1.—“THE HIGH COURT ACT, 1898.”

A BILL to create a High Court for the Cook Islands.—Short Title: “High Court Act, 1898.”

Be it enacted by the Parliament of the Cook Islands, with the approval of the British Resident, as follows:—

1. That the Act to establish a Supreme Court (No. 4, 1891), and the Amendment Act (No. 2, 1894), are hereby repealed.

2. That a Court is hereby established, to be styled “The High Court of the Cook Islands.”†

CONSTITUTION OF THE COURT.

3. That the High Court shall consist of a Chief Justice, and not more than two other Judges, to be appointed from time to time by the Government, with the approval of the British Resident.‡

* This Act was repealed by 1898, No. 2, sec. 2. † Sec. 4 (2) of N.Z. Act, 1901, No. 44, provides for an appeal from the decisions of the High Court to the Supreme Court of New Zealand. ‡ Judge at Aitutaki (see 1899, No. 12, sec. 44).

4. That the Court shall meet at such times and at such places as the Chief Justice may direct.

5. That Judges of the High Court shall receive such salaries as are fixed by Act of the Parliament, and shall hold office during good behaviour, and shall only be removed by Act of the Federal Parliament approved by the British Resident: Provided that if Parliament be not in session the Chief of the Government, with the approval of the British Resident, may suspend a Judge, who shall continue to receive his salary without deduction till the decision of Parliament shall have been given.

6. That, in case of the illness or disability of a Judge, it shall be lawful for the Chief of the Government to appoint an acting Judge, to hold office for a term not exceeding six months: Provided that the appointment may be renewed from time to time, subject both in appointment and renewal to the approval of the British Resident.

7. That the Chief Justice, sitting alone, may exercise all the powers of the Court, and proceedings may be continued before any Judge appointed to act in his place under the provisions of section 6.

8. That the Court may act on any testimony, sworn or unsworn, and may receive as evidence any statement, document, information, or matter which, in the opinion of the Court, may assist the Court to deal effectually with the matters before it.

9. That the Chief Justice may from time to time, with the approval of the British Resident, make, alter, and revoke rules of practice and procedure and forms of proceedings in the Court, and also regulations for the duties and functions of the officers, and also fixing the sittings of the Court, and the fees to be paid in respect of the proceedings and the mode of enforcing payment thereof.

10. That, subject to the provisions of this Act, the procedure of the Court shall be in accordance with the principles and practice of English Courts, so far as they can be applied with due regard to established Maori laws and customs prevailing at the time when and in the place where the cause of action arose.

11. That all fees of Court, fines, or other moneys received by the Court shall be Federal revenue, and treated accordingly.

12. That the Chief of the Government may from time to time, with the approval of the British Resident, appoint a fit person to be Registrar of the Court, and may fix his salary, not exceeding £100 a year.

13. That the Chief of the Government may also from time to time, with the approval of the British Resident, appoint a bailiff and such other officers of the Court as are deemed necessary, and may fix their salaries, not exceeding in the whole £60 per year.

14. That the salaries of the Registrar, bailiff, and other officers of the Court shall be paid out of moneys to be appropriated by the Federal Parliament.

15. That the jurisdiction* of the Court shall be exclusive—

- (1.) In all cases of murder or assault with intent to commit murder, and all cases of manslaughter;
- (2.) In all criminal charges against foreign residents;
- (3.) In all offences against the Federal laws;
- (4.) In all cases between foreign residents, or between foreign residents and Maoris, in which the plaintiff may, with the consent of the Chief Justice, begin an action in the Court, or may with the same consent seek redress for wrong alleged to have been done to him or her by any local Government in any of the Islands of the Federation :

Provided that the Chief Justice may send any case under subsection (2) for trial before a Court instituted under the provisions of the Pacific Order in Council.

16. That the Court may also rehear any case referred to it by an Ariki's Court, and if the judgment of the Ariki's Court be confirmed may make the judgment a rule of the Court, and enforce it accordingly.†

17. That, on the application of either party to a suit in an Ariki's Court the Judge of the Ariki's Court, on application being made to him by either party to the suit before beginning the hearing, shall refer the said suit to the High Court: Provided that the Judge may also refer to the High Court any case, after it has been begun before him, if he thinks fit so to do.

18. That the Chief Justice may register suitable persons as solicitors of the Court, who shall be answerable to the Court, and who may at any time be removed if guilty of misconduct in the performance of their duties.

19. That solicitors so registered shall have power to act and plead for parties before the Court, but this shall not debar any person from pleading his own cause, or from appointing specially for the conduct of his case, and with consent of the Court, such person other than a solicitor whom he may prefer.

20. That the Court shall have all the powers over persons and property needful for enforcing its judgments which are possessed by the Supreme Court of New Zealand, and may for the maintenance of order in its proceedings, and obedience to its judgments, punish any person guilty of contempt by fine or imprisonment: Provided that no judgment as to contempt of Court shall be given until after open hearing within not less than twenty-four hours after the offence has been committed: Provided also that no land, the property of a Native of the Cook Islands, shall be liable to be sold to defray any debt or judgment of the High Court.

21. That, in the absence of a public gaol, the Court may declare any dwelling-house or other suitable place a temporary gaol for a special time and purpose.

* Jurisdiction extended by Federal Ordinance No. 16, 1904. † The European Resident Agent, where one appointed, substituted for Ariki's Court (see N.Z. Act, 1904, No. 22, sec. 5).

22. That on the application of either party, and with consent of the presiding Judge of the Court, a jury of six may be empanelled in any case before the Court.

23. That upon the passing of this Act a copy thereof shall be forwarded by the British Resident to His Excellency the Governor of New Zealand for His Excellency's approval, and if he approves the same (but not otherwise) the Act shall come into operation on a date to be named by him, being not sooner than the first day of January, one thousand eight hundred and ninety-nine.

Passed.

J. M. SALMON

Chairman of the Cook Islands Parliament.

No. 2.—“THE IMPORT DUTIES ACT, 1898.”*

An Act to provide for an Increase in the Import Duties of the Cook Islands.

Short Title : “The Import Duties Act, 1898.”†

BE it enacted by the Parliament of the Cook Islands, with the approval of the British Resident :—

1. The Short Title of this Act shall be “The Import Duties Act, 1898.”
2. The Import Duties Act (No. 2, 1891), dated the 5th June, 1891, and the Import Duties Amendments Acts (No. 3, 1895, and No. 1, 1897) are hereby repealed.

3. Rarotonga shall be the port of entry for all goods imported into the Cook Islands, and no goods shall be landed other than that Avarua Harbour, except by special permit signed by the British Resident.

4. A duty of 10 per cent. on the original cost and charges till landed in the Cook Islands shall be levied on all goods imported : Provided always that personal effects—viz., clothing and furniture in actual use—to the amount of £50 sterling shall be admitted duty-free : [Provided always that the personal effects shall be genuinely second-hand, and that the clothing shall not have been used merely for the purpose of evading payment of duty]‡ ; also all articles imported for the purposes of education, or religious services.

5. The regulations made under the provisions of the Acts repealed by section 2 of this Act shall remain in force, excepting only those clauses that are contrary to the spirit of this Act.

6. Any person evading payment of import duty, or infringing regulations made under this Act, shall be liable on conviction to a fine not exceeding £100 sterling.

7. The Chief of the Government, with the approval of the British Resident, may make such regulations as shall from time to time be found

* This Act has apparently been superseded by N.Z. Act, 1901, No. 44, sec. 10.
† Amended by 1900, No. 3. ‡ Words in italics added by 1900, No. 3, sec. 7.

to be necessary for the proper administration of this Act, and these regulations shall have the force of law and form part of this Act.

8. This Act shall come into operation on the 1st day of October, 1898.

Approved for the Cook Islands.

W. E. GUDGEON, British Resident.

29th September, 1898.

No. 3.—“THE MEDICAL OFFICERS ACT, 1898.”

Short Title: “The Medical Officers Act, 1898.”

WHEREAS it is essential that a duly qualified Medical Officer should be appointed to supervise and have medical charge of the Cook Islands Hospital:

Be it enacted by the Parliament of the Cook Islands, with the approval of the British Resident:—

1. The Short Title of this Act shall be “The Medical Officers Act, 1898.”

2. The Chief of the Government may, with the approval of the British Resident, appoint a Medical Officer or officers to have charge of the Cook Islands Hospital; such officer or officers shall be paid the salary voted by Parliament: Provided always that no officer shall be placed in medical charge of the hospital unless his name shall first have been placed upon the Medical Register of New Zealand.

3. It shall be the duty of the Medical Officer, or his deputy, who shall be an honorary surgeon of the hospital, to visit the group at least twice in each year.

4. The Chief of the Government, with the approval of the British Resident, may make such rules under this Act for the guidance of the Medical Officer as shall be deemed necessary, such rules to form part of this Act.

Approved.

W. E. GUDGEON, British Resident

The Residency, 29th September, 1898.

No. 4.—“THE PUBLIC HEALTH AND QUARANTINE ACT, 1898.”

Short Title: “The Public Health and Quarantine Act, 1898.”*

WHEREAS it is essential to the well-being and health of the people of the Cook Islands that a duly qualified Quarantine Officer should be appointed, in order to prevent the introduction of diseases from foreign ports:

* See Federal Ordinance, 1904, No. 15.

Be it enacted by the Parliament of the Cook Islands, with the approval of the British Resident :—

1. The Short Title of this Act shall be “ The Public Health and Quarantine Act, 1898.”

2. The Chief of the Government may, with the approval of the British Resident, appoint a duly qualified medical man to act as Public Health and Quarantine Officer for the Cook group, and pay him such salary as may be voted by the Parliament : Provided always that no medical officer shall be employed in any capacity by the Federal Government of the Cook Group unless his name shall appear on the Medical Register of New Zealand.

3. The Chief of the Government may, with the approval of the British Resident, make such rules for the guidance of the officer or officers appointed under this Act as shall be deemed to be necessary, and these rules shall have the force of law and be read as part of this Act.

4. Any officer appointed under this Act shall, *ex officio*, be an honorary surgeon of the Cook Islands Hospital.

Approved.

MAKEA, Ariki,
Chief of the Federal Government.

Approved.

W. E. GUDGEON, British Resident.

The Residency, 29th September, 1898.

No. 5.—“ THE GOVERNMENT BUILDINGS ACT, 1898.”

An Act to provide for the Purchase of Buildings for Administrative Purposes. Short Title : “ The Government Buildings Act, 1898.”

Be it enacted by the Parliament of the Cook Islands, with the approval of the British Resident, as follows :—

That the allotments of land situated at Avarua be taken over, together with leases, and all the buildings thereon as per plan of site be purchased, and become the property of the Cook Islands Government, for the purpose of Cook Islands Government administration offices solely.

That, from the 1st day of October, 1898, there shall be paid a sum of £350 annually for three years ; that, at the expiration of the three years from the 1st day of October, 1898, the amount of money—namely, £1,050 sterling—will have been completed.

That the amounts of moneys voted as above are to be paid to Frederick Goodwin, or his order, on the 30th day of June, in the years 1899, 1900, 1901.

Dated this 29th day of September, 1898.

Amendment.

It is hereby enacted by the Parliament that the following amendment be added to the former agreement for the purchase of leases and buildings from F. Goodwin :—

1. It is hereby resolved by the Cook Islands Parliament to pay to F. Goodwin the sum of £1 sterling per week to the 30th June, 1899.
2. At the end of that time it is agreed to purchase for the sum of £1,050.
3. It is agreed that the £1 sterling per week shall be deducted from the amount, £1,050, and that the balance will be paid as section 4.
4. The payments to F. Goodwin will be made as agreed in three instalments : due 30th June, 1900 ; 30th June, 1901 ; 30th June, 1902.

Approved.

W. E. GUDGEON, British Resident.

The Residency, 10th October, 1898.

No. 6.—“THE ASIATIC RESTRICTION ACT, 1898.”*

Whereas leprosy and other loathsome diseases have been introduced into the Islands of the Pacific by Asiatic immigrants : And whereas the Chinese are addicted to opium-smoking, and are morally objectionable :

Short Title : “The Asiatic Restriction Act, 1898.”

Be it enacted by the Cook Islands Parliament, with the approval of the British Resident :—

1. *No Asiatic shall be allowed to land or reside in the Cook Islands unless they shall first obtain the permission of the Chief of the Government and the approval of the British Resident : Provided that this section shall not apply to those Asiatics who at the date of passing of this Bill are already domiciled on any of the islands of the Cook Group.*

2. *The Chief of the Government and British Resident may permit Asiatics to reside on the Islands, subject to the regulations made under this Act, and which shall have the force of law.*

Approved.

Makea, Ariki,
Chief of the Federal Government.]

* This Act was repealed by 1900, No. 5, sec. 2.

No. 7.—“THE TRADERS’ LICENSE ACT, 1898.”*

WHEREAS it is deemed necessary for the protection of *bona fide* traders in the Cook Islands that a Traders’ License Act shall be imposed, to come into operation on the 1st November, 1898:

Be it enacted by the Parliament of the Cook Islands, with the approval of the British Resident:—

1. That the Short Title of this Act shall be “The Traders’ License Act, 1898.”

The following license fees shall be paid annually in advance:—

2. All vessels sailing and trading within the Cook Islands Group (excepting mail-steamers), £10 sterling: Provided always that sailing-vessels or steamers who merely carry freight and passengers, and do not trade on their own account, shall not be deemed to be liable to pay this fee.

3. Wholesale and retail trading-stores, £10 sterling.

4. Retail trading-stores, £5 sterling.

5. Hawkers and pedlars, £20 sterling.

6. Bakers (other than stores, hawkers, or tea-shops), £2 sterling.

7. Tea-shops and restaurants (other than bakers), £2 sterling.

8. The Chief of the Government, with the approval of the British Resident, may make such regulations and appointments as shall from time to time be found necessary for the proper administration of this Act, and these regulations shall have the force of law and form part of this Act.

9. Any infraction of this Act may be punished by a fine of double the amount of the license payable under the above provisions.

Approved.

MAKEA, Ariki,

Chief of the Federal Government.

Approved.

W. E. GUDGEON, British Resident.

The Residency, 5th October, 1898.

No. 8.—APPROPRIATION ACT, 1898-99.—ESTIMATED EXPENDITURE FOR YEAR 1898-99.

It is hereby enacted by the Parliament of the Cook Islands, approved by the Chief of the Federal Government and the British Resident:—

1. That the expenditure for the public service for the year ending the 30th June, 1899, shall not exceed the sums stated in Schedule A of this Act, amounting in all to £1,630 sterling.

2. That every account against the Government shall be certified by the British Resident and with the approval of the Chief of the Government.

* This Act was extended to Penrhyn by 1901, No. 1; to Manihiki, Rakahanga, and Pukapuka, by 1903, No. 11.

The certificate shall state that the services therein named have been performed, and shall name the vote to which that account shall be charged.

3. No money shall be paid except on cheques signed by the Paymaster and countersigned by the British Resident.

Vote.	Service.	Voted.
1	Fixed Appropriations—	
	Payment of Members	£ 54 0 0
	Subsidies to Local Councils—	
	Atiu, Mitiaro, and Mauke	45 0 0
	Aitutaki	45 0 0
	Mangaia	45 0 0
	Rarotonga	45 0 0
2	Collection of Revenue—	
	Collector, Rarotonga	30 0 0
	Aitutaki	50 0 0
	Revenue Officer, Mangaia	6 0 0
	" Atiu	3 0 0
	" Mitiaro	3 0 0
	" Mauke	3 0 0
	" Manuae	3 0 0
3	High Court	210 0 0
4	Post-office—	
	Chief Postmaster, Rarotonga	15 0 0
	Postmaster, Atiu	1 10 0
	" Mangaia	1 10 0
	" Aitutaki	1 10 0
	Postman, Atiu	4 0 0
	" Mangaia	4 0 0
	" Aitutaki	4 0 0
5	Shipping-master	12 0 0
6	Paymaster and Clerk to Parliament	30 0 0
7	Auditor	15 0 0
8	Expenses, Chief of the Government	50 0 0
9	Interpreter	50 0 0
10	Medical Officer	250 0 0
11	Government boat	22 0 0
12	Printing books and laws for Federal Parliament	50 0 0
13	Passages of Members	13 10 0
14	Expenses of Parliament	20 0 0
15	Maintenance of children at Tereora School	125 0 0
16	Subsidies in aid of Arikis' Courts and Police	129 0 0
17	Public Health and Quarantine Officer	40 0 0
18	Subsidy for distributing <i>Io Karanga</i> paper, Cook Group	15 0 0
19	Ground-rent, Hospital	7 10 0
20	Subsidy Britannia Wharf and sheds	25 0 0
22	Messenger for Parliament	2 10 0
24	Unauthorised expenditure	200 0 0
		£1,630 0 0

Approved.

MAREA, Ariki,
Chief of the Federal Government.

Approved.

W. E. GUDGEON, British Resident.

The Residency, 24th October, 1898.

1899.

No. 1, 1899.—AN ACT TO PROVIDE FOR THE RATING OF LAND
IN THE OCCUPATION OF FOREIGNERS.

WHEREAS it is expedient that all foreign residents who are in occupation of land within the Island of Rarotonga, whether held by leasehold or by gift, should contribute towards the construction of roads and bridges and the maintenance thereof :

Be it enacted by the Parliament of the Cook Islands, with the consent of the British Resident :—

1. The Short Title of this Act shall be “The Public Works Rating Act, 1899.”

2. The Chief of the Federal Government, with the concurrence of the British Resident, may in each financial year impose a rate not exceeding one shilling in the pound on the rental value of all leaseholds, or lands held under other tenures : But the assessment shall not in any instance render the owner liable to pay a less sum than ten shillings in each year.

3. It shall be the duty of the Clerk of Parliament to prepare a roll of the ratepayers of this island, showing the rental value of the property in occupation of each person : Provided always that no Maori inhabitant of the Cook Group shall be liable to be rated under this Act.

4. The assessment roll shall, when completed, be open to the inspection of the public in the post-office, Avarua, and any objection to the assessment shall be in writing and addressed to the Registrar of the High Court. All objections shall be heard and decided in the High Court.

5. All objections shall be lodged within fourteen days after the roll of assessment has been lodged in the post-office for inspection, due notice of which fact will be given in the *Cook Islands Gazette*.

6. After the assessment roll shall have been approved by the Chief Judge of the High Court, it shall be the duty of the British Resident to fix a day on or after which the assessment shall be payable to the Federal Treasurer.

7. All moneys payable under this Act shall be placed to a fund to be called “The Public Works Fund,” and shall be expended under the authority of the British Resident, and in the improvement of roads, bridges, and public works only.

8. The payment of rates may be enforced by the High Court by fine or imprisonment.

Passed.

Te Ariki TAPU RANGI,
Chairman to Cook Islands Parliament.

Approved.

MAKEA, Ariki,
Chief of the Federal Government.

Approved. To come into operation on the second day of August, 1899.

W. E. GUDGEON, British Resident.

The Residency, 1st August, 1899.

No. 2, 1899.—AN ACT TO PROVIDE FOR THE INSTITUTION OF LOCAL GOVERNMENT WITHIN THE ISLANDS OF THE COOK GROUP.

WHEREAS by Act No. 4, 1891, the Rarotonga Council, acting under the advice and with the consent of the British Resident, gave certain powers to local bodies called the "Au," within the districts of Avarua, Arorangi, and Takitumu: And whereas confusion has arisen from the want of definition of the powers and duties of the Au aforesaid:

Be it enacted by the Parliament of the Cook Islands, with the consent of the British Resident:—

1. The Short Title of this Act shall be "The Au Empowering Act, 1899."*
2. Act No. 4, 1891, of the Rarotonga Council is hereby repealed.
3. There shall be a local body, hereafter to be called the "Au," in each of the following districts: Avarua, Arorangi, and Takitumu.
4. The President of the Au in each district shall be the Ariki thereof: Provided always that if the Ariki shall decline to act, he or she may nominate some person for the approval of the Chief of the Federal Government, who, on approval, may cause the Ariki's nominee to be gazetted President of the Au of his district in the columns of the *Cook Islands Gazette*.
5. Each and every member of the Au shall hold office for the space of two years, and the election for the new Au shall be held on the first Monday in January in every second year, and the election shall be conducted in accordance with the ancient customs of the island in which this Act shall be brought into force: Provided always that no member of the Au shall be entitled to do any administrative act until he shall have been gazetted in the *Cook Islands Gazette*.
6. It shall be the duty of the President to arrange the business of the Au, and to fix the dates on which it shall meet for the despatch of business.
7. The Au of each district shall be responsible for the maintenance and repair of all roads and bridges within their boundaries, and shall construct new bridges when necessary.
8. In order to carry out the duties imposed by section seven of this Act, the Au are hereby empowered to call out the whole or any part of the population of their district, whether Maori or European, to aid in the repairs or construction aforesaid: Provided always that those Europeans or foreigners who are liable to pay rates on their leaseholds under the provisions of "The Public Works Rating Act, 1899," shall be exempt from any roadwork whatsoever: Provided also that any European lawfully called upon to work on the roads may in lieu of such labour pay the sum of one dollar for each day's labour into the hands of the President of his district, but he shall not

* Island Councils substituted for the Au by Federal Ordinance No. 13, 1904

be liable to pay more than five dollars in any one month nor more than eight dollars in any year.*

9. Any Maori or European neglecting to attend the summons of the Au under section eight, or failing to pay the dollars per diem fixed by this Act, may be summoned before the Ariki's Court of the district and sentenced to pay the dollars due, in addition to six shillings and sixpence costs of Court, and in default of payment may be sentenced to not exceeding fourteen days' hard labour on the public roads. The Ariki of the district shall recommend some building for the approval of the Chief of the Government and the British Resident, who may gazette the same a gaol for the purposes of this Act.

10. And whereas the ancient right of *raui* has, with the consent of the Arikis, devolved upon the Au of the district: Be it enacted that it shall be the duty of the Au to increase the power of production of the land under their jurisdiction by—

- (a.) Causing cocoanuts to be planted on waste lands;
- (b.) Reporting to the Chief of the Government the names of all of those landowners who neglect their land;
- (c.) Placing a *raui* over the cocoanuts or other fruits of the island in order to prevent undue waste of the said fruits;
- (d.) Protecting the lands of the sick, infirm, or inferior members of the tribe from the depredations of others;
- (e.) Arranging with the traders of Rarotonga or other places, either by tender or otherwise, with the view of obtaining uniformity of price for the producers.

12. In order to effect these objects the Au may, with the approval of the British Resident, proclaim in the *Cook Islands Gazette* a *raui* over the whole or any part of their district: Provided that such Proclamation shall state plainly what thing it is that is to be protected, and also the duration of the *raui*: Provided also that it shall be necessary to obtain the concurrence of village authorites before outlying village lands are included in a *raui*.

13. And whereas it has been found that certain Maoris have during the continuance of a *raui* plundered the fruit of other people, and sold the same secretly to European traders: Be it enacted that any trader who shall purchase cocoanuts during the continuance of a *raui* shall give notice to the President of the Au of his district of such purchase. Any trader who shall fail to give notice of such purchase shall be liable to a fine not exceeding twenty shillings.

14. Any trader may be called upon to explain the possession of a large quantity of cocoanuts if the Au have reason to believe that they have been stolen: to this end the Au shall report the matter to the British Resident, who may demand an explanation if required.

15. Every trader shall keep a book in which he shall enter the name of each person of whom he has purchased produce, as also the description and quantity of produce so purchased.

16. The Au shall have authority to impound or destroy all wandering horses, pigs, goats, sheep, or horned cattle, and may fine the owners in any sum of not less than one dollar in accordance with the amount of damage done by the animal. If the owner refuses or neglects to pay the fine he may be summarily dealt with by the Arikis' Court, and in lieu of payment may be sentenced to not exceeding ten days' hard labour.

17. It shall be the special duty of the Au to see that the waste lands of their district are beneficially occupied, and to encourage the planting of cocoanuts thereon.

18. The British Resident may, in the interests of trade, modify or refuse to sanction any act of the Au which, in his opinion, may be in restraint of trade, and therefore against the interests of both the Maoris and the foreign inhabitants of this group.

19. Any person may appeal to the High Court to compel the Au to perform the duties imposed upon them by this Act, and the President of the Au may in like manner seek the aid of the High Court in order to carry out the duties imposed upon him.

[20. *The Au shall have power to impose an annual dog-tax of not exceeding five shillings for each dog, and shall register the name of each owner and the amounts of the tax paid by him. It shall be the duty of the Native Judges to see that this tax is properly collected.*]*

21. Any island within the Federation, or any district of an island, may adopt this Act by Proclamation in the *Cook Islands Gazette*, and may bring it into force within the island or district named in such Proclamation: Provided always that the consent of the local Government of the island shall be first obtained, and the boundaries of any district clearly defined in the Proclamation.

Passed.

Te Ariki TAPU RANGI,
Chairman to Cook Islands Parliament

Approved.

MAKEA, Ariki,
Chief of the Federal Parliament.

Approved. To come into operation on the 2nd day of August, 1899.

W. E. GUDGEON, British Resident.

No. 3, 1899.—“MARRIAGE AND DIVORCE ACT, 1899.”

WHEREAS it is desirable that there shall be one uniform law throughout the Federation of the Cook Islands in order to regulate marriage and divorce :

Be it enacted by the Parliament of the Cook Islands, with the consent of the British Resident :—

1. The Short Title of this Act shall be “The Marriage and Divorce Act, 1899.”

2. Every minister of religion who proposes to act under this statute shall register his name, the religious denomination to which he belongs, and his place of abode, and no person who is not so registered shall be legally capable of performing the marriage ceremony within the limits of this Federation.

3. Public notice shall be given in church of the intention of each couple to marry, and not less than three clear days shall intervene between such notice and the performance of the ceremony.

4. Except with the consent of parents or guardians, no man shall be capable of entering into the bonds of matrimony unless he shall be of the full age of twenty-one years, and no woman under the age of eighteen years.

5. Persons who shall desire to be married by a minister registered under this Act shall make a declaration to the following effect: That they are of legal age; that they knew of no legal objection to their marriage; that they are entering into the bonds of matrimony of their own free will and consent; and, if under age, that they have obtained the consent of parents or guardians.

6. No objection to a marriage shall be valid except that of the parents if alive, or, in the case of their death, that of the nearest of kin or guardian who may have taken care of the child: Provided always that in the case of an adopted child whose parents are dead the Metua Angi shall take the place of the deceased parents.

7. No woman shall be legally capable of entering into the bonds of matrimony unless she shall have obtained the age of fifteen years.

8. Persons of the Native race who have immigrated from islands outside the Federation, and who allege that that they have been married in other places, and desire to have such marriage recognised within this group, may make a declaration before a European minister of any religious body detailing the circumstances of their marriage. The declaration shall briefly state where the persons in question were married, and by whom, also where they intend to reside, and shall contain a clause to the effect that they know of no legal reason why the aforesaid marriage should not be recognised. This declaration shall be forwarded to the Registrar of the High Court at Rarotonga, together with any recommendation the minister taking the declara-

tion shall see fit to make. If the circumstances of the case as detailed are satisfactory, the High Court may order that the marriage shall be held to be good and legal within the limits of the Cook Islands.

9. Any person who shall make a false declaration under the foregoing section may, on conviction, be fined a sum not exceeding three pounds, or, in default of payment, not more than one month's imprisonment with hard labour.

10. The decision of the High Court shall be gazetted in each case heard under section eight, and a fee of five shillings shall in each instance accompany the declaration.

11. Any man who has been living apart from his wife, or any wife who has been living apart from her husband, for a period of three years may apply to the High Court for a divorce, and if he or she can show that the circumstances of the case are such that they are entitled to relief the Court will grant a divorce.

12. Any act of adultery committed by either husband or wife shall entitle the aggrieved and innocent party to apply to the High Court for a divorce.

13. Continuous acts of cruelty shall entitle a wife to obtain a divorce.

14. A fee of twenty shillings shall be payable for a decree of divorce, and in no case shall the costs of such a suit exceed twenty-six shillings and sixpence.

15. It shall be the duty of each minister of religion registered under this Act to keep a complete record of the births, deaths, and marriages of his congregation.

No fee shall be charged for any such entry, but any parent failing to register the birth of a child within one month from the date thereof, and the nearest relative of any deceased failing to register the death within the same period, shall be liable to a fine of five shillings, which may be recovered before the District or Ariki's Court.

Passed.

Te Ariki TAPU RANGI,
Chairman to Cook Islands Parliament.

Approved.

MAKEA, Ariki,
Chief of the Federal Government.

Approved. To come into operation on the 2nd day of August, 1899.
W. E. GUDGEON, British Resident.

The Residency, 1st August, 1899.

No. 4, 1899.—AN ACT TO SECURE UNIFORMITY IN LEASES AND SECURITY OF TENURE TO FOREIGN LESSEES WITHIN THE ISLAND OF RAROTONGA.

Be it enacted by the Federal Parliament at Rarotonga, with the consent of the British Resident :—

1. The Short Title of this Act shall be “ The Land Act, 1899.”
2. There shall be a Land Board for the Island of Rarotonga, hereafter to be called “ the Board,” which shall be composed of the British Resident and the five Arikis ; and this Board shall meet at such times and places as shall hereafter be notified in the *Cook Islands Gazette* : Provided always that if the land of any Mataiapo shall be the subject of an inquiry, such Mataiapo shall be entitled for the time being to a seat on the Board.
3. It shall be the duty of the Board to inquire into the nature and conditions of each lease brought before it in order that the rights of the Native population may be conserved.
4. No lease shall be registered that has not the approval of the British Resident and at least three of the Arikis noted thereon.
5. In all leases, whether to Maoris or foreigners, the Board, having due regard to the nature of the soil, may impose such conditions as to the number of cocoanut or other trees to be planted as they shall consider necessary in the interests of the island ; and they may add clauses to the lease in order to prevent the wholesale destruction of valuable food-producing trees, and to preserve shade trees by the side of public roads.
6. No lease shall be registered until after fourteen days’ notice has been given in the *Io Karanga* newspaper of the intention of the lessee to apply to the Board to confirm his lease ; one insertion of such notice shall be sufficient.
7. All investigations of title and all the deliberations of the Board shall be held in open Court. The assent of the Board shall not be given unless the applicant can show that the outer boundaries of the land have been cut and marked out and assented to by the lessor and his neighbours on each side.
8. No land shall be leased to a foreigner which is in the beneficial occupation of a Native of Rarotonga, nor shall the Board confirm a lease when it is shown that Maoris have been ejected from the land in order that it might be leased. The rights of the people who have occupied the soil of this island for twenty generations must be preserved.
9. When the Board has noted its assent upon the instrument of lease, the land shall be surveyed at the expense of the lessee ; the survey shall follow the boundaries given before the Board and described in the lease, and a plan of such survey shall be deposited with the Registrar of Deeds.
10. The lease shall in every instance set forth the following essentials :—
 - (a.) The period for which the land has been leased.
 - (b.) The names of the lessees and lessors.

(c.) The rent payable quarterly, half-yearly, or yearly in English money.

(d.) The boundaries of the land, and a plan of the land, shall be indorsed on the deed.

(e.) No lease to be assigned except by consent of lessor and Board.

11. The lease shall in every instance be deemed to convey to the lessee, his heirs, administrators, and assigns, the right and title to occupy the said land during the period named in the lease, provided always that the remaining covenants of the lease are duly carried out.

12. Where the words "heirs, administrators, executors, or assigns" have been omitted from the lease, the lessor shall be deemed to have a right to object to any transfer of the lease, unless it be shown that the transferee is of good character and likely to make a good settler.

13. Where a lease shall have been executed and registered before the coming into operation of this Act, and no survey shall have been made of the land so leased, the lessee shall, with the least possible delay, cause a survey to be made of the land, and a plan thereof signed by the surveyor deposited in the Registry of Deeds.

14. When the said plan has been deposited as aforesaid, any matter requiring amendment in the lease may be amended by the Board after the lessee has given the fourteen days' notice required by this Act.

15. The Board may order the lease to be re-registered in its amended form.

16. And whereas it is questionable whether, under the land customs of Rarotonga, any man or woman has more than a life-interest in the land : Be it enacted that it shall not be lawful to pay more than one years' rent in advance, or to pay a lump sum of money for the lease, or to do any action that would defeat the rights of the lawful successors of the lessor.

17. And whereas it is not desirable that land should be leased to foreigners who are not of good character : the Board may, before confirming any lease, require the lessee to produce certificates of character from some well known and respectable colonist either of New Zealand or Australia. The Board may also accept approved certificates of character from other places, or reject them without giving reasons.

18. And whereas a large portion of the best land in the Island of Rarotonga is not in the beneficial occupation of any person, and such land does not in any way add to the wealth or revenue of the island : And whereas there are a large number of persons of the Maori race in this island who have no land-rights, and who will never become producers unless fixity of tenure is given to them : It shall therefore be the duty of the Board to consider the means whereby land on perpetual lease may be secured to all of the deserving members of the native-born Rarotongans.

19. No Maori or foreigner shall have power to close any watercourse or old path ; these are deemed to be the property of the people, and may be closed only on the written permission of the Board : Any infraction of

this clause may be punished by a fine not exceeding five pounds, and all complaints under this section shall be heard by the High Court.

20. No land seaward of the road called the Purumu, and situated between the Avarua and the Avatiu Creeks, shall be leased to any one, whether Maori or European.

21. Any person failing to obey any order or direction contained in this Act other than in section nineteen shall be liable to a fine not exceeding three pounds. All fines and penalties under this Act shall be recoverable before the High Court.

22. The Board shall make such regulations for the administration of this Act as may be found to be necessary, and these regulations shall have the force of law.

23. The provisions of this Act may be adopted by any island of the Cook Group by petition to the Chief of the Federal Government, who shall gazette what clauses shall apply to each island.

Passed.

Te Ariki TAPU RANGI,
Chairman of Cook Islands Parliament.

Approved.

MAKEA, Ariki.
Chief of Federal Government.

Approved. To come into operation on the 2nd day of August, 1899.

W. E. GUDGEON, British Resident.

The Residency, 1st August, 1899.

No. 5, 1899.—“SALE OF SPIRITUOUS LIQUOR ACT, 1899.”*

[Whereas it is essential to the welfare of the Natives of the Cook Islands that the sale of intoxicating liquor should be entirely in the hands of the Federal Government: And whereas it is also in the interests of all foreigners that drunkenness should be prevented, and the evils of the liquor traffic minimised:

Be it enacted by the Parliament of the Cook Islands, with the consent of the British Resident:—

1. The Short Title of this Act shall be “The Sale of Spirituous Liquor Act, 1899.”

2. From and after the date on which this Act shall become law, the importation of beer, wine, and spirituous liquor shall, so far as private enterprise is concerned, cease absolutely; but the Collector of Customs may, with the approval of the Chief of the Government, import such wine, beer, or spirits as may be necessary to carry out the provisions of this Act.

Any person who shall infringe the provisions of this section shall be liable, on conviction, to a fine not exceeding one hundred pounds sterling.

3. Immediately after the date on which this Act shall come into operation the Collector of Customs may take possession of all the intoxicating liquor on

* This Act was not brought into operation. See also Rarotonga Island Ordinance, 1904, No. 4.

the Island of Rarotonga, and may pay such compensation to the owners thereof as shall be arranged between the said owners on the one part and the Collector of Customs, acting for and on behalf of the Federal Government : Provided always that any person being in possession of liquor as aforesaid may re-export all or any of the liquor if they object to the compensation offered : Provided also that the Collector of Customs may refuse to take over any liquor which in his opinion is unsaleable.

4. *This Act shall be brought into operation by Proclamation in the Cook Islands Gazette. Such Proclamation shall be signed by the Chief of the Government, and shall name the day on which the Act shall come into force, and thereupon every Act dealing with the liquor question, whether such Act be a Federal statute or an Act of the Rarotonga Council, shall be deemed to be repealed.*

5. *In order to give due effect to this Act the Chief of the Government may issue regulations and do all things necessary to guard the interests of the people of the Cook Islands, and shall report to the Federal Parliament the steps taken and the profits made in each year.*

6. *The Chief of the Government shall proclaim some place in the vicinity of the wharf as a public bar, and may appoint a man of good character to sell beer, spirits, wine, or other intoxicating drinks on behalf of the Government.*

7. *It shall not be lawful to sell or give spirits to any Maori except by written order of the surgeon or honorary surgeon of the Cook Islands Hospital. Any person infringing the provisions of this section shall be liable to a fine not exceeding twenty pounds sterling : Provided always that the Maori inhabitants of the Cook Islands may be allowed a limited quantity of beer or wine each day, such limit to be defined by regulation.*

8. *All offences under this Act may be punished by imprisonment with hard labour in default of payment of fine ; and all penalties under this Act shall be recovered in the High Court.*

9. *A prohibition order may be granted by the High Court against any person, whether Maori or foreigner, upon cause being shown.*

10. *The Chief Judge of the High Court may order a portion of any penalty recovered under this Act to be disposed of in such manner as the interests of the Federation may demand.*

11. *Any person who shall distil or manufacture any intoxicating drink other than orange-beer shall be liable to a fine of not exceeding one hundred pounds, or, in default, twelve months with hard labour.*

Passed.

*Te Ariki Tapu Rangi,
Chairman to Cook Islands Parliament.*

Approved.

*Makea, Ariki,
Chief of the Federal Government.*

Approved. To come into force on a day to be fixed by the Chief of the Federal Government.

W. E. Gudgeon, British Resident.

The Residency, 1st August, 1899.]

No. 6, 1899.—“THE IMPORT DUTIES ACT 1898 AMENDMENT ACT,
1899.”*

WHEREAS by Order in Council No. 2, dated the twenty-second day of April, one thousand eight hundred and ninety-nine, it was resolved that the duty on proof spirits should be raised to twelve shillings per gallon, and that this measure should be brought before Parliament for its approval:

Be it enacted by the Parliament of Cook Islands:—

1. The Short Title of this Act shall be “The Import Duties Amendment Act, 1899.”

2. From and after the passing of this Act all spirits imported shall pay a duty of twelve shillings per proof gallon. And any spirits in bond at the date of the passing of this Act, and which shall have been imported since the twenty-second of April, one thousand eight hundred and ninety-nine, shall be liable to pay the difference between the ten per cent. old duty and the twelve shillings per gallon imposed by this Act.

3. The Chief of the Government may make such regulations for the guidance of the officers administering this Act as may be found necessary, and such regulations shall have the force of law.

Passed.

Te Ariki TAPU RANGI,
Chairman to Cook Islands Federal Parliament.

Approved.

MAKEA, Ariki,
Chief of the Federal Government.

Approved. To come into operation on the 2nd day of August, 1899.

W. E. GUDGEON, British Resident.

The Residency, 1st August, 1899.

No. 7, 1899.—AN ACT TO PREVENT THE SALE OF ARMS WITHIN
THE ISLAND OF MAUKE.

WHEREAS it has been necessary in the past to deprive the people of Mauke of their firearms in order to prevent bloodshed:

Be it enacted by the Parliament of the Cook Islands, with the consent of the British Resident:—

1. The Short Title of this Act shall be “The Mauke Arms Act, 1899.”

2. From and after the passing of this Act it shall not be lawful to import firearms into the Island of Mauke. Any person infringing the provisions of this section shall be guilty of an offence, and, on conviction, shall be liable to a penalty not exceeding five pounds, or, in default, two months' imprisonment with hard labour.

* This Act has apparently been superseded by N.Z. Act, 1901, No. 44, sec. 10.

3. Any person who shall sell firearms to any person living on the Island of Mauke shall be guilty of an offence, and, on conviction, shall be liable to a penalty of five pounds for each weapon sold, or, in default of payment, two months' imprisonment with hard labour.

4. Any resident on the Island of Mauke who shall purchase firearms shall be liable to a penalty of not exceeding two pounds for each offence, or, in default of payment, may be sentenced to not more than three weeks' hard labour.

Passed.

Te Ariki TAPU RANGI,
Chairman to Cook Islands Parliament.

Approved.

MAKEA, Ariki,
Chief of Federal Government.

Approved. To come into operation on the 22nd day of August, 1899.

W. E. GUDGEON, British Resident.

The Residency, 22nd August, 1899.

No. 8, 1899.—AN ACT TO ESTABLISH A BRITISH CURRENCY.*

[*Be it enacted by the Parliament of the Cook Islands, with the consent of the British Resident:—*

1. *The Short Title of this Act shall be “The Cook Islands Currency Act, 1899.”*

2. *From and after the date on which this Act shall come into force the value of a Chili dollar as a legal tender within the Cook Islands shall be one shilling and sixpence.*

3. *The Chili dollar shall cease to be a legal tender within the limits of this Federation on the first day of March, one thousand nine hundred.*

4. *The British Resident and the Chief of the Government are hereby empowered to make such regulations and do all acts necessary to give effect to the clauses of this Act.*

5. *The Chief of the Government shall bring this Act into force by Proclamation in the Cook Islands Gazette, and shall fix the day on which this law shall take effect within the Federation of the Cook Islands.*

Passed.

Te Ariki Tapu Rangi,
Chairman to the Cook Islands Parliament.

Approved.

Makea, Ariki,
Chief of the Federal Government.

Approved.

W. E. Gudgeon, British Resident.

The Residency, 22nd August, 1899.]

* This Act was not brought into operation. See also 1902, No. 7.

A.O. 9, 1899.—AN ACT TO PROVIDE FOR THE PUNISHMENT OF OFFENDERS.

BE IT ENACTED by the Parliament of the Cook Islands, with the consent of the British Resident :—

1. The Short Title of this Act shall be “The Offenders’ Punishment Act, 1899.”

2. Except as hereinafter mentioned, no person charged with an offence before the High Court shall be liable to any greater punishment than that defined for such offence under the following Acts of the New Zealand Legislature, which are hereby adopted as the Criminal Law of the Cook Islands Federation :—

(a.) “The Criminal Code Act, 1893.”

(b.) “The Summary Jurisdiction Act, 1894.”

3. And whereas by Act No. 3 of the session of 1892 it was provided that offenders against the laws of the Federation might be banished to the Island of Takutea: And whereas this Act has been inoperative by reason of the fact that Takutea is uninhabited, and otherwise unsuitable for the purpose of a penal settlement, Act No. 3 is hereby repealed.

4. The Island of Manuae is by this Act declared to be a penal settlement, and, with the consent of the owners thereof, or their resident agent at Rarotonga, prisoners may be deported to that island, and may there serve a term of imprisonment with hard labour for any period not exceeding three years, under such regulations as to diet and hours of labour as may hereafter be made.

5. Any person convicted of an offence and sentenced to imprisonment on the Island of Manuae shall be guilty of an offence against the laws of the Federation if he shall do any of the following acts :—

(a.) Escape or attempt to escape from custody;

(b.) Refuse to perform the hard labour to which he has been sentenced;

On conviction may be sentenced to a further term of imprisonment with hard labour for any period not exceeding three months.

[6. *Any European or foreigner found living among the Native population of these islands and having no visible means of support may be deemed to be a vagrant, and on conviction before the High Court may be sentenced to a term of imprisonment for any period not exceeding three months.]**

7. Any person who shall spread idle or malicious reports with intent to disturb the minds of the Native inhabitants and the peace of the Cook Islands may on conviction be sentenced to a term of imprisonment with hard labour for any period not exceeding three months.

8. And whereas the Federal Government of the Cook Islands is, by

* Repealed by Federal Ordinance, 1904, No 14, sec. 9.

reason of its poverty, unable to maintain an expensive prison establishment: Any European or foreign offender convicted under sections six and seven of this Act, or under any section of "The Criminal Code Act, 1893," may, subject to the approval of His Excellency the Governor of New Zealand, be ordered to leave these Islands, and, failing to comply with such order, may be deported to any place from whence he had emigrated to these Islands.

9. "The Ariki's Courts Act, 1896," is hereby repealed, and in lieu thereof it is enacted that, if any person refuse or neglect to obey the judgment of an Ariki's Court, the Judge of that Court may remit the case to the Chief Judge of the High Court, who shall confirm or vary the original judgment, as the circumstances of the case may require.*

10. Either of the parties to a suit in an Ariki's Court may, within one month after the decision has been given, demand that the case be reheard by the High Court: and any Maori may bring a suit, whether civil or criminal, before the High Court, notwithstanding that such case has not been heard before the Ariki's Court of his or her district.

11. And whereas an efficient hospital and medical staff has been provided in Rarotonga at the expense of the Federal Government, which same is open to all the inhabitants of the Cook Islands free of charge: And whereas, also, several deaths have recently occurred in this island by the fact that certain *tohungas* pretend to have a medical skill and knowledge that they do not possess: It is hereby enacted that any one not duly qualified as a medical man who may attend a sick Maori on the Island of Rarotonga shall be legally responsible for any injury done to the said sick person by the treatment prescribed, and may be proceeded against for malpractice, either criminally or civilly, in the High Court: Provided always that no offender against this section shall be fined more than one hundred pounds, or receive a sentence of more than twelve months' imprisonment with hard labour.

Passed.

Te Ariki TAPU RANGI,
Chairman to Cook Islands Parliament.

Approved.

MAKEA, Ariki,
Chief of the Federal Government.

Approved. To come into operation on the 22nd day of August, 1899.

W. E. GUDGEON, British Resident.

The Residency, 22nd August, 1899.

* European Resident Agent, where one appointed, substituted for Ariki's Court.
See N.Z. Act, 1904, No. 22, sec. 5.

No. 10, 1899.—“CHRISTMAS DAY ACT, 1899.”

AN ACT to regulate the Calendar, and assimilate the days of the week and months to those of other countries east of the 180th degree of longitude:

Be it enacted by the Parliament of the Cook Islands, with the approval of the British Resident:—

1. The Short Title of this Act shall be the “The Christmas Day Act, 1899.”

2. The twenty-fifth and twenty-sixth of December of the New Zealand calendar shall be observed as the Christmas Day within the Islands of the Cook Group, and shall be treated as one day, and be called the twenty-fifth day of December, 1899. It shall further be held that the day following the twenty-fifth shall be Tuesday, the twenty-sixth day of December.

3. It shall not be lawful for any one to follow his or her calling or ordinary employment, or do any work for profit or reward, on the Sabbath day as fixed by this Act: Provided always that work of an urgent nature, such as the loading or unloading of vessels, shall not be deemed to be prohibited by this section.

4. Any offence under this Act may be punished by a fine of not exceeding ten shillings, or, in default, not exceeding three days' hard labour on the public roads.

Passed.

Te Ariki TAPU RANGI,
Chairman to Cook Islands Parliament.

Approved

MAKEA, Ariki,
Chief of Federal Government.

Approved. To come into operation on the 22nd day of August, 1899.

W. E. GUDGEON, British Resident.

The Residency, 22nd August, 1899.

No. 11, 1899.—AN ACT TO AMEND THE CONSTITUTION ACT OF 1891.

BE IT ENACTED by the Federal Parliament, with the approval of the British Resident:—

1. The Short Title of this Act shall be “The Constitution Act 1891 Amendment Act, 1899.”

2. Section one of “The Constitution Act, 1891,” (hereafter to be called “the Act”) is hereby repealed, and in lieu thereof it is enacted that each island shall continue to govern itself in purely local affairs; but the administration of the law in each island shall be under the control of the Federal Government.

3. The Federal Parliament shall alone have power to make laws within the limits of the Federation.

4. All laws passed by the Parliament shall be expressed as made by the Federal Parliament of the Cook Islands with the approval of the British Resident. No law shall be valid until so approved, and a day fixed on which each Act shall come into operation.

5. Each electoral district shall return a member of Parliament, and the election shall be held in accordance with regulations hereafter to be issued by the British Resident and Chief of the Federal Government.

6. The Parliament shall meet in Avarua at ten a.m. on the first day of August in each year: Provided always that when the first of August shall fall on a Sunday the Parliament shall meet on the day following.

7. The Parliament of the Cook Islands as at present constituted shall be the Parliament up to the thirty-first day of December, 1902,* and thereafter the members elected at each general election shall be deemed to have been elected for a term of three years.

8. At the first meeting of Parliament held after each general election it shall be the duty of the members to elect a Chairman, who shall retain office during the period for which the said Parliament has been elected: Provided always that nothing herein contained shall be deemed to deprive the Parliament of the right to remove their Chairman from his position should they consider it necessary to do so.

9. Members of Parliament shall be elected by native-born adults of the Maori population. No foreigner shall be eligible to vote at such elections.

10. Foreigners shall not be eligible for election as members of the Cook Islands Parliament, excepting only the member for Arorangi, who has already been elected.

11. The half-caste children of Maori mothers born within the Cook Islands Federation shall be eligible for election, and may sit as members of the Cook Islands Parliament.

12. No person shall be eligible for election as a member of the Cook Islands Parliament who shall have been adjudicated a bankrupt; and any one who shall become bankrupt after election shall forthwith resign his seat or be removed therefrom.

13. All laws passed by the Parliament shall be printed in both English and Maori.

14. Tinomana, Ariki, is hereby appointed Vice-President of the Federal Government.

15. Section seventeen of the Act is hereby amended by striking out the words "Supreme Court," and substituting the following: "High Court of the Cook Islands."

* Extended to 31st December, 1904, by N.Z. Act 1903, No. 89, sec. 2 (2).

16. The following sections of the Act are hereby repealed, namely : One, four, six, seven, eight, fifteen, and sixteen.

Passed.

Te Ariki TAPU RANGI,
Chairman to Cook Islands Parliament.

Approved.

MAKEA, Ariki,
Chief of the Federal Government.

Approved. To come into operation on the 22nd day of August, 1899.

W. E. GUDGEON, British Resident.

The Residency, 22nd August, 1899.

No. 12.—“THE STATUTE OF MANGAIA, 1899.”*

WHEREAS by Order in Council dated the 22nd day of April, 1899, Lieut.-Colonel W. E. Gudgeon, British Resident, was authorised to revise the laws of Mangaia and other islands for the approval of the Federal Parliament.

Be it enacted by the Federal Parliament of the Cook Islands, with the consent of the British Resident :—

1. The Short Title of this Act shall be “The Statute of Mangaia, 1899.”
2. From and after the passing of this Act it shall not be lawful to prosecute any person for any one of the following acts :—

- (a.) Consulting a sorcerer ;
- (b.) Being pregnant as an unmarried woman ;
- (c.) Card-playing ;
- (d.) Placing one's arm round a woman, even though the offender have no torch in the other hand ;
- (e.) Trading with an European without permission ;
- (f.) Tattooing or being tattooed ;
- (g.) Going from one village to another on the Sabbath ;
- (h.) Taking an unmarried woman inland ;
- (i.) Crying over a dead woman, even though not related to her.

OFFENCES AGAINST THE PERSON.

3. Any man committing adultery with a married woman may, on conviction, be fined not exceeding one hundred dollars, and in default of payment may be sentenced to not more than two months' hard labour on the public roads : Provided always that the Judge, in his discretion, may sentence the offender to sixty days' hard labour without the option of a fine.

4. No person shall be punished for an act of fornication with an unmarried woman above the age of fifteen years ; but any man carnally knowing any girl under the age of fifteen years and above the age of twelve years

* This Act was amended by 1900, No. 1.

shall be liable to a fine of not more than ten dollars. Any man carnally knowing or attempting to know any girl under the age of twelve years shall be guilty of a misdemeanour, and shall be committed for trial before the High Court.

5. Any person who shall have carnal connection with a female by force or against her will, and any one who shall attempt to have such connection by force, shall be guilty of a misdemeanour, and shall be committed for trial before the High Court. No female under the age of twelve years shall be capable of giving her consent to such carnal connection, and no man shall plead such consent: Provided always that no one shall be convicted of the crime of rape on the unsupported testimony of the girl.

6. Any person convicted of the crime of incest may be fined not exceeding twenty dollars, and in addition to such fine may be sentenced to not exceeding two months' hard labour on the public roads.

7. Any person convicted of slandering his neighbour may be fined not exceeding ten dollars.

8. Any person bearing false witness in the District Courts of Mangaia with intent to injure any man or woman may be fined not exceeding twenty dollars, and in addition to such fine may be sentenced to not exceeding thirty days' hard labour on the public roads.

9. Whosoever shall assault any police officer or member of the Government with his fists shall be liable to a fine of not exceeding ten dollars, and whosoever shall use a stick in an assault under this section shall be liable to be fined not exceeding twenty dollars.

10. Whosoever shall assault any man, woman, or child other than those mentioned in section nine may, if the assault be committed with the fists, be fined not exceeding five dollars, and if with a stick not exceeding twelve dollars.

11. Any person committing a violent assault with an axe or other weapon dangerous to life shall be committed for trial before the High Court.

12. Whosoever shall use insulting language to another, calculated to cause a breach of the peace, shall, on conviction, be liable to a fine of not exceeding five dollars.

OFFENCES AGAINST PROPERTY.

13. Any persons stealing pigs, food, or other small articles of property may be ordered to pay the value thereof to the owner, and, in addition, may be sentenced to pay a fine of not more than ten dollars: Provided always that where the property can be returned intact to the owner no money shall be paid to him as compensation.

14. Every person owning pig, horse, horned cattle, or goat is liable for all damage done by those animals, and may be summoned before the District Judge to answer for damage done.

The Judge may, in his discretion, authorise the injured person to destroy the trespassing animal upon any repetition of the offence.

15. Any person maliciously burning down the house or outbuildings of another, or attempting to do so, may be fined not exceeding fifty dollars, or, in lieu thereof, may be sentenced to a term of two months' imprisonment.

16. Any one setting fire to the bush or scrub of the island may be fined not exceeding fifty dollars, or, at the discretion of the Judge, may be sentenced to two months' hard labour.

17. Any person taking the horse of another without leave and using the said horse for his own work shall be liable to a fine of not exceeding ten dollars.

18. Any one wounding any bird or animal the property of another shall be liable to a fine of not more than ten dollars.

19. Any one illegally in possession of lost property may be deemed to have stolen it, and shall be liable, on conviction, to a fine not exceeding seven dollars, and shall be ordered to deliver up the lost goods forthwith.

A person shall be held to be illegally in possession of lost property who cannot prove that he has taken steps to ascertain the owner thereof.

MISCELLANEOUS.

20. Any man deserting his wife and children for another woman shall be amenable to the law, and at the discretion of the Judge may be ordered to contribute weekly in money or produce towards their support: Provided always that in every case where a wife is deserted by her husband for another woman, or a wife deserts her husband for another man, the injured person may claim to be divorced by the High Court.

21. In all cases where the ownership of land is the matter of dispute, or a question of boundary has arisen, the Judge shall visit the land and there take the evidence of the old people of the district in order that the dispute may be decided with justice to all parties: Provided always that either party may claim to have the case reheard before the Chief Judge of the High Court and two Assessors, one of whom shall be chosen by each of the parties to the suit.*

22. Whereas the introduction of spirituous or intoxicating liquor has always been contrary to the laws of Mangaia. Any person who shall import wine, spirits, or beer into the Island of Mangaia, except for medicinal purposes on the order of the Resident Surgeon of the Cook Islands Hospital, shall be liable on conviction to a fine not exceeding fifty dollars. Any person who shall sell or give intoxicating liquor to any person residing within the Island of Mangaia shall be liable on conviction to a fine of not exceeding forty dollars: Provided always that no man shall be punished by reason of his having purchased or consumed intoxicating drink on board any vessel in the offing.†

23. Any person landing on the Island of Mangaia under the influence of liquor may be fined not exceeding ten dollars.

* See also 1900, No. 1, sec. 8.

† See also N.Z. Act, 1904, No. 42, secs. 19-28.

24. Any one assisting to manufacture orange-beer or other liquor of an intoxicating nature shall be liable to a fine of not exceeding ten dollars.*

Any one found with orange-beer or other locally-made intoxicating liquor in his possession shall be liable to a fine of not exceeding seven dollars.

25. It shall not be lawful to import dynamite into the Island of Mangaia except on a permit recommended by a District Judge and approved by the Chief of the Federal Government. Any offender against this section shall, on conviction, be liable to a fine of not exceeding one hundred dollars.

26. Any one using dynamite to kill fish in the waters of Mangaia shall be liable, on conviction, to a fine of not exceeding fifty dollars.

27. Whereas it is expedient to prevent the spread of disease among the Maoris of the Cook Islands : It is hereby enacted :—

(a.) The pilot boat shall be the first to communicate with any vessel arriving from places outside of the Federation.

(b.) It shall be the duty of the captain to inform the pilot or boarding officer whether there is any disease on board of his ship, and if there be such disease the captain shall hoist the yellow flag, and shall prevent all communication with the shore until he has received authority to land in writing under the hand of the District Judge. Any offence against this section shall render the offender liable to a fine of not exceeding one hundred dollars.

28. It shall be the duty of the district Au to protect the wild birds within the limits of his jurisdiction, and the Au may fine any one found destroying them a sum not exceeding five dollars, and may recover the fine before the District Court.

29. Any one who shall offer a bribe to a public officer shall, on conviction, be liable to a fine of not exceeding fifty dollars, or, at the discretion of the Judge, may be awarded one month's hard labour on the public roads.

30. Any public officer failing to report the offer of a bribe to him in his official capacity shall be deemed to have received the same, and shall thenceforth be held to be ineligible to occupy any public position. Any public officer receiving a bribe may be tried before the High Court and receive such punishment as shall meet the offence.

31. Any Judge who shall in any way abuse his office, or exceed the jurisdiction given to him by this or any other Act, shall be reported to the Chief Judge of the High Court, who shall inquire into and punish the offence.

32. Any policeman or officer of any Court who shall behave harshly or oppressively in the performance of his duties, or who shall force his way into any house against the will of the owner or owners, may be summoned as an ordinary offender before the District Court, and on conviction shall be liable to a penalty of not more than ten dollars.

33. Any one who shall attempt to terrify or torture any person into confessing an offence that may or may not have been committed, or into giving

* Hardened offenders (see 1900, No. 1, sec. 5).

evidence against others, shall be guilty of an offence against the Federation, and shall be committed to trial before the High Court.

Any such offence shall be punishable by a fine of not exceeding sixty dollars, or, at the discretion of the Judge, by two months' hard labour on the public roads.

34. In default of the payment of any fine mentioned in this Act, the offender may be ordered to do one day's hard labour on the public roads for each dollar of his fine remaining unpaid.

ADMINISTRATION OF THE LAW.

35. The Judge shall hear all cases in open Court, and shall keep a record of each case and of their decisions.

36. Before any Judge shall hear a charge he shall satisfy himself that the accused has been properly summoned to appear, that the charge has been explained to him, and that the accused has had the necessary opportunity to call witnesses for his defence. The accused must in every instance be allowed to cross-examine the witnesses who have given evidence against him.

37. All the laws of Mangaia, whether of ancient date or made by the so-called Council, are hereby repealed, except such as are embodied in this statute.

38. Either of the parties to a suit heard and determined in the local Courts in Mangaia may appeal to the High Court against the decision of the Judge.

39. Notice of appeal shall be served on the Judge who heard the case within one month of the date of the decision appealed against, and a fee of ten shillings shall be payable to the High Court for the hearing of each appeal.

40. And whereas the manufacture of bush beer has been productive of much crime: Any man who shall beat his wife whilst under the influence of liquor may be fined not exceeding fifty dollars and, in default, sixty days' hard labour.

41. Any policeman who shall seize the clothing of any woman or man in payment of a fine shall be guilty of an offence, and, on conviction, may be fined not exceeding six dollars.

42. Any person found drunk or disorderly in the settlement will, on conviction, be fined not exceeding ten dollars, or in default, ten days' hard labour.*

Passed.

Te Ariki TAPU RANGI,
Chairman to Cook Islands Parliament.

Approved.

MAKEA, Ariki,
Chief of the Federal Government.

Approved. To come into operation on the 22nd of August, 1899.

W. E. GUDGEON, British Resident.

The Residency, 22nd August, 1899.

* Hardened offender (see 1900, No. 1, sec. 5).

No. 13.—“THE STATUTE OF AITUTAKI, 1899.”*

WHEREAS by Order in Council dated the 22nd day of April, 1899, Lieut.-Colonel W. E. Gudgeon, British Resident, was authorised to revise the laws of Mangaia and other islands for the approval of the Federal Parliament:

Be it enacted by the Federal Parliament of the Cook Islands, with the consent of the British Resident :—

1. The Short Title of this Act shall be “The Statute of Aitutaki, 1899.”
2. From and after the passing of this Act it shall not be lawful to prosecute any person for any one of the following acts :—
 - (a.) Consulting a sorcerer.
 - (b.) Being pregnant as an unmarried woman.
 - (c.) Card-playing.
 - (d.) Placing one's arm round a woman, even though the offender have no torch in the other hand.
 - (e.) Trading with an European without permission.
 - (f.) Tattooing or being tattooed.
 - (g.) Going from one village to another on the Sabbath.
 - (h.) Taking an unmarried woman inland.
 - (i.) Crying over a dead woman, even though not related to her.

OFFENCES AGAINST THE PERSON.

3. Any man committing adultery with a married woman may, on conviction, be fined not exceeding one hundred dollars, and, in default of payment, may be sentenced to not more than two months' hard labour on the public roads : Provided always that the Judge in his discretion may sentence the offender to sixty days' hard labour without the option of a fine.
4. No person shall be punished for an act of fornication with an unmarried woman above the age of fourteen years. But any man carnally knowing any girl under the age of fifteen years, and above the age of twelve years, shall be liable to a fine of not more than ten dollars. Any man carnally knowing or attempting to know any girl under the age of twelve years shall be guilty of misdemeanour, and shall be committed for trial before the High Court.
5. Any person who shall have carnal connection with a female by force or against her will, and any one who shall attempt to have such connection by force, shall be guilty of a misdemeanour, and shall be committed for trial before the High Court. No female under the age of twelve years shall be capable of giving her consent to such carnal connection, and no man shall plead such consent : Provided always that no one shall be convicted of the crime of rape on the unsupported testimony of the girl.
6. Any person convicted of the crime of incest may be fined not exceed-

* This Act was amended by 1900, No. 1.

ing twenty dollars, and in addition to such fine may be sentenced to not exceeding two months' hard labour on the public roads.

7. Any person convicted of slandering his neighbour may be fined not exceeding ten dollars.

8. Any person bearing false witness in the District Courts of Aitutaki, with intent to injure any man or woman, may be fined not exceeding twenty dollars, and, in addition to such fine, may be sentenced to not exceeding thirty days' hard labour on the public roads.

9. Whosoever shall assault any police officer or member of the Government with his fists shall be liable to a fine of not exceeding ten dollars, and whosoever shall use a stick in an assault under this section shall be liable to be fined not exceeding twenty dollars.

10. Whosoever shall assault any man, woman, or child, other than those mentioned in section nine, may, if the assault be committed with the fists, be fined not exceeding five dollars, and if with a stick, not exceeding twelve dollars.

11. Any person committing a violent assault with an axe or other weapon dangerous to life shall be committed for trial before the High Court.

13. Whosoever shall use insulting language to another, calculated to cause a breach of the peace, shall on conviction be liable to a fine of not exceeding five dollars.

13. And whereas the manufacture of bush beer has been productive of much crime: Any man who shall beat his wife while under the influence of liquor may be fined not exceeding fifty dollars, and, in default, sixty days' hard labour.

OFFENCES AGAINST PROPERTY.

14. Any persons stealing pigs, food, or other small articles of property, may be ordered to pay the value thereof to the owner, and, in addition, may be sentenced to pay a fine of not more than ten dollars: Provided always that where the property can be returned intact to the owner no money shall be paid to him as compensation.

15. Every person owning pig, horse, horned cattle, or goat, is liable for all damage done by those animals, and may be summoned before the District Judge to answer for damage done.

The Judge may, in his discretion, authorise the injured person to destroy the trespassing animal upon any repetition of the offence.

16. Any person who shall find a dog destroying or hunting his pigs or poultry may legally shoot or kill the offending animal.

17. Any person maliciously burning down the house or outbuildings of another, or attempting to do so, may be fined not exceeding fifty dollars, or in lieu thereof may be sentenced to a term of two months' imprisonment.

18. Any one setting fire to the bush or scrub of the island may be fined not exceeding fifty dollars, or, at the discretion of the Judge, may be sentenced to two months' hard labour.

19. Any person taking the horse of another without leave, and using the said horse for his own work, shall be liable to a fine of not exceeding ten dollars.

20. Any one wounding any bird or animal, the property of another, shall be liable to a fine of not more than ten dollars.

21. Any one illegally in possession of lost property may be deemed to have stolen it, and shall be liable, on conviction, to a fine not exceeding seven dollars, and shall be ordered to deliver up the lost goods forthwith.

A person shall be held to be illegally in possession of lost property who cannot prove that he has taken steps to ascertain the owner thereof.

MISCELLANEOUS.

22. Any person deserting his wife and children for another woman shall be amenable to the law, and, at the discretion of the Judge, may be ordered to contribute weekly in money or produce towards their support: Provided always that in every case where a wife is deserted by her husband for another woman, or a wife deserts her husband for another man, the injured person may claim to be divorced by the High Court.

23. Any person who shall sell or give intoxicating liquor to any person residing within the Island of Aitutaki shall be liable, on conviction, to a fine of not exceeding forty dollars: Provided always that no man shall be punished by reason of his having purchased or consumed intoxicating drink on board of any vessel in the offing.*

24. Any person landing on the Island of Aitutaki under the influence of liquor may be fined not exceeding ten dollars.

25. Any man caught manufacturing or drinking bush beer may be fined not more than fifteen dollars, or fourteen days' hard labour.†

26. Any person found drunk or disorderly in a settlement will, on conviction, be fined not exceeding ten dollars, or, in default, ten days' hard labour.†

27. It shall not be lawful to import dynamite into the Island of Aitutaki except on a permit recommended by a District Judge, and approved by the Chief of the Federal Government. Any offender against this section shall, on conviction, be liable to a fine of not exceeding one hundred dollars.

28. Any one using dynamite to kill fish in the waters of Aitutaki shall be liable, on conviction, to a fine of not exceeding fifty dollars.

29. Whereas it is expedient to prevent the spread of disease among the Maoris of the Cook Islands: It is hereby enacted,—

(a.) The pilot-boat shall be the first to communicate with any vessel arriving from places outside of the Federation.

(b.) It shall be the duty of the captain to satisfy the pilot or boarding officer that he has conformed to the first regulation under

* See also N.Z. Act 1904, No. 42, secs. 19-28. † Hardened offenders (see 1900, No. 1, sec. 5).

“ The Public Health and Quarantine Act, 1898.” ; should the pilot or boarding officer not be satisfied, he shall report the matter forthwith to the Resident Magistrate, who may prohibit all communication between ship and shore. Any offence against this section shall render the offender liable to a fine not exceeding ten pounds.

30. It shall be the duty of the district Au to protect the wild birds within the limits of his jurisdiction, and the Au may fine any one destroying them a sum not exceeding five dollars, and may recover the fine before the District Court.

31. Any one who shall offer a bribe to a public officer shall, on conviction, be liable to a fine of not exceeding fifty dollars, or, at the discretion of the Judge, may be awarded one month’s hard labour on the public roads.

32. Any public officer failing to report the offer of a bribe to him in his official capacity shall be deemed to have received the same, and shall thenceforth be held to be ineligible to occupy any public position. Any public officer receiving a bribe may be tried before the High Court, and receive such punishment as shall meet the offence.

33. Any Judge who shall in any way abuse his office, or exceed the jurisdiction given to him by this or any other Act, shall be reported to the Chief Judge of the High Court, who shall inquire into and punish the offence.

34. Any policeman or officer of any Court who shall behave harshly or oppressively in the performance of his duties, or who shall force his way into any house against the will of the owner or owners, may be summoned as an ordinary offender before the District Court, and, on conviction, shall be liable to a penalty of not more than ten dollars.

35. Any policeman who shall seize the clothing of any woman or man in payment of a fine shall be guilty of an offence, and, on conviction, may be fined not exceeding six dollars.

36. Any one who shall attempt to terrify or torture any person into confessing an offence that may or may not have been committed, or into giving evidence against others, shall be guilty of an offence against the Federation, and shall be committed to trial before the High Court. Any such offence shall be punishable by a fine of not exceeding sixty dollars, or, at the discretion of the Judge, by two months’ hard labour on the public roads.

37. In default of the payment of any fine mentioned in this Act the offender may be ordered to do one day’s hard labour on the public roads for each dollar of his fine remaining unpaid.

ADMINISTRATION OF THE LAW.*

Whereas the administration of the law in the Island of Aitutaki has been unsatisfactory, and it is imperative that the laws under which the Council and Judges act should be ascertained and printed without further delay :

38. There shall be a European Chief Magistrate, three Native Judges,

* See 1900, No. 1, secs. 4, 6.

and eight policemen, for the Island of Aitutaki, all of whom shall be paid out of Federal revenue.

39. The three Judges and eight policemen shall be elected by the adult population of Aitutaki ; but the British Resident shall appoint the European Chief Magistrate, whose duty it shall be to instruct the Native Judges and police in their duties, and explain the laws to the people of Aitutaki.

40. The British Resident shall make regulations for the election of Judges and members of the Island Council, hereafter to be called the Au. Such regulations shall determine the date on which elections should be held, the period during which Judges and members of the Au shall hold office, and the procedure during election.

41. A Native Judge shall only sit and act judicially within the district for which he has been elected : Provided always that the European Magistrate may authorise any Judge to sit out of the district for which he may have been elected.

42. No Court shall be legally constituted, or have *mana* to hear and determine cases, unless the European Magistrate shall be present ; but, in the event of that officer being absent from any cause, the British Resident may authorise the two Native Judges to sit together, and hear and decide all cases brought before them.

43. All fees and fines received by the Court shall be Federal revenue, and shall be paid to the Treasurer at Rarotonga with the least possible delay.

44. Notwithstanding the provisions of section three of "The High Court Act, 1898," the Chief of the Government may appoint a third Judge, who shall reside at Aitutaki, and shall sit with the Chief Judge whenever the High Court shall open at Aitutaki.

45. Either of the parties to a suit heard or determined in the local Courts of Aitutaki may appeal to the High Court against the decision of the Chief Magistrate.

46. The Judge shall hear all cases in open Court, and shall keep a record of each case and of their decisions.

47. Before any Judge shall hear a charge he shall satisfy himself that the accused has been properly summoned to appear, that the charge has been explained to him, and that the accused has had the necessary opportunity to call witnesses for his defence. The accused must in every instance be allowed to cross-examine the witnesses who have given evidence against him.

48. All the laws of Aitutaki, whether of ancient date or made by the so-called Council, are hereby repealed, except such as are embodied in this statute.

49. Notice of appeal shall be served on the Chief Magistrate within one month of the date of the decision appealed against, and a fee of ten shillings shall in each case be deposited with the notice aforesaid.

50. There shall be a Court within the Island of Aitutaki to decide all

questions of boundary, or ownership of land. And whereas there has in the past been much dissatisfaction with the decisions of the Native Judges, who, it is alleged, have been influenced by their relationship to one or other of the parties to the suit: Every dispute as to the boundaries or ownership of land shall be heard by the European Magistrate and two Assessors, one of whom shall be nominated by each of the parties to the suit.*

51. Notices of appeal against decisions given in the Land Court shall be served in the manner provided by section forty-nine of this Act.

52. From and after the passing of this Act it shall not be lawful for any policeman to prosecute any person for adultery.

53. The Au of Aitutaki may impose a dog-tax annually, which shall not exceed five shillings per dog†, and, with the approval of the British Resident, may impose local taxes in order to carry out public works.

54. The Au shall notify the European Magistrate that a dog-tax has been imposed, and is shall then be the duty of that officer to see that the tax is collected impartially.

55. And whereas, in order to preserve the breadfruit trees, horses have not hitherto been allowed on Aitutaki: It is hereby enacted that the Au shall have power to prevent the introduction of any animal that may destroy the food-supply of the island.

Passed.

Te Ariki TAPU RANGI,
Chairman to Cook Islands Parliament.

Approved.

MAKEA, Ariki,
Chief of the Federal Government.

Approved. To come into operation on the 22nd day of August, 1899.

W. E. GUDGEON, British Resident.

The Residency, 22nd August, 1899.

No. 14.—“THE STATUTE OF RAROTONGA, 1899.”†

WHEREAS by Order in Council dated the 22nd day of April, 1899, Lieut.-Colonel W. E. Gudgeon, British Resident, was authorised to revise the laws of Mangaia and other islands for the approval of the Federal Parliament:

Be it enacted by the Federal Parliament of the Cook Islands, with the consent of the British Resident:—

1. The Short Title of this Act shall be “The Statute of Rarotonga, 1899.”

2. From and after the passing of this Act it shall not be lawful to prosecute any person for any one of the following acts:—

(a.) Consulting a sorcerer;

* See also 1900, No. 1, sec. 8.

† See also 1902, No. 10.

‡ This Act was amended by 1900, No. 1.

- (b.) Being pregnant as an unmarried woman
- (c.) Card-playing ;
- (d.) Placing one's arm round a woman, even though the offender have no torch in the other hand ;
- (e.) Trading with an European without permission ;
- (f.) Tattooing or being tattooed ;
- (g.) Going from one village to another on the Sabbath ;
- (h.) Taking an unmarried woman inland ;
- (i.) Crying over a dead woman, even though not related to her.

OFFENCES AGAINST THE PERSON.

3. Any man committing adultery with a married woman may, on conviction, be fined not exceeding one hundred dollars, and, in default of payment, may be sentenced to not more than two months' hard labour on the public roads : Provided always that the Judge, in his discretion, may sentence the offender to sixty days' hard labour without the option of a fine.

That the Judges may order that a portion of the fine be paid to the injured husband or wife.

4. No person shall be punished for an act of fornication with an unmarried woman above the age of fifteen years ; but any man carnally knowing any girl under the age of fifteen years and above the age of twelve years shall be liable to a fine of not more than ten dollars. Any man carnally knowing or attempting to know any girl under the age of twelve years shall be guilty of a misdemeanour, and shall be committed for trial before the High Court.

5. Any person who shall have carnal connection with a female by force or against her will, and any one who shall attempt to have such connection by force, shall be guilty of a misdemeanour, and shall be committed for trial before the High Court. No female under the age of twelve years shall be capable of giving her consent to such carnal connection, and no man shall plead such consent : Provided always that no one shall be convicted of the crime of rape on the unsupported testimony of the girl.

6. Any person convicted of the crime of incest may be fined not exceeding twenty dollars, and in addition to such fine may be sentenced to not exceeding two months' hard labour on the public roads.

7. Any person convicted of slandering his neighbour may be fined not exceeding ten dollars.

8. Any person bearing false witness in the District Courts of Rarotonga with intent to injure any man or woman may be fined not exceeding twenty dollars, and in addition to such fine may be sentenced to not exceeding thirty days' hard labour on the public roads.

9. Whosoever shall assault any police officer or member of the Government with his fists shall be liable to a fine of not exceeding ten dollars, and

whosoever shall use a stick in an assault under this section shall be liable to be fined not exceeding twenty dollars.

10. Whosoever shall assault any man, woman, or child other than those mentioned in section nine may, if the assault be committed with the fists, be fined not exceeding five dollars, and if with a stick not exceeding twelve dollars.

11. Any person committing a violent assault with an axe or other weapon dangerous to life shall be committed for trial before the High Court.

12. Whosoever shall use insulting language to another, calculated to cause a breach of the peace, shall, on conviction, be liable to a fine of not exceeding five dollars.

13. And whereas the manufacture of bush beer has been productive of much crime: Any man who shall beat his wife while under the influence of liquor may be fined not exceeding fifty dollars, and, in default, sixty days' hard labour.

14. Any policeman who shall seize the clothing of any woman or man in payment of a fine shall be guilty of an offence, and, on conviction, may be fined not exceeding six dollars.

15. Any person found drunk or disorderly in a settlement or public place may, on conviction, be fined not exceeding ten dollars, or, in default, ten days' hard labour.*

OFFENCES AGAINST PROPERTY.

16. Any persons stealing pigs, food, or other small articles of property may be ordered to pay the value thereof to the owner, and, in addition, may be sentenced to pay a fine of not more than ten dollars: Provided always that where the property can be returned intact to the owner no money shall be paid to him as compensation.

17. Every person owning pig, horse, horned cattle, or goat is liable for all damage done by those animals, and may be summoned before the District Judge to answer for damage done.

The Judge may, in his discretion, authorise the injured person to destroy the trespassing animal upon any repetition of the offence.

18. Any person maliciously burning down the house or outbuildings of another, or attempting to do so, may be fined not exceeding fifty dollars, or, in lieu thereof, may be sentenced to a term of two months' imprisonment.

19. Any one setting fire to the bush or scrub of the island may be fined not exceeding fifty dollars, or, at the discretion of the Judge, may be sentenced to two months' hard labour.

20. Any person taking the horse of another without leave and using the said horse for his own work shall be liable to a fine of not exceeding ten dollars.

21. Any one wounding any bird or animal the property of another shall be liable to a fine of not more than ten dollars.

* Hardened offender (see 1900, No. 1, sec. 5).

22. Any one illegally in possession of lost property may be deemed to have stolen it, and shall be liable, on conviction, to a fine not exceeding seven dollars, and shall be ordered to deliver up the lost goods forthwith.

A person shall be held to be illegally in possession of lost property who cannot prove that he has taken steps to ascertain the owner thereof.

MISCELLANEOUS.

23. Any man deserting his wife and children for another woman shall be amenable to the law, and at the discretion of the Judge may be ordered to contribute weekly in money or produce towards their support: Provided always that in every case where a wife is deserted by her husband for another woman, or a wife deserts her husband for another man, the injured person may claim to be divorced by the High Court.

24. In all cases where the ownership of land is the matter of dispute, or a question of boundary has arisen, the Judge shall visit the land and there take the evidence of the old people of the district in order that the dispute may be decided with justice to all parties: Provided always that either party may claim to have the case reheard before the Chief Judge of the High Court and two Assessors, one of whom shall be chosen by each of the parties to the suit.*

25. Any person who shall sell or give intoxicating liquor to any person residing within the Island of Rarotonga shall be liable on conviction, to a fine of not exceeding forty dollars: Provided always that no man shall be punished by reason of his having purchased or consumed intoxicating drink on board of any vessel in the offing.†

26. Any one aiding or assisting in the manufacture of orange-beer or other liquor of an intoxicating nature shall be liable to a fine of not exceeding ten dollars:‡ Provided always that this section shall not apply to illicit distillation.

27. It shall not be lawful to import dynamite into the Island of Rarotonga except on a permit recommended by a District Judge and approved by the Chief of the Federal Government. Any offender against this section shall, on conviction, be liable to a fine of not exceeding one hundred dollars.

28. Any one using dynamite to kill fish in the waters of Rarotonga shall be liable, on conviction, to a fine of not exceeding fifty dollars.

29. It shall be the duty of the district Au to protect the wild birds within the limits of his jurisdiction, and the Au may fine any one found destroying them a sum not exceeding five dollars, and may recover the fine before the District Court.

* See also 1900, No. 1, sec. 8. † See also Rarotonga Council Ordinance, 1904, No. 4, and N.Z. Act, 1904, No. 42, secs. 19-28. ‡ Hardened offender (see 1900, No. 1, sec. 5).

30. Any one who shall offer a bribe to a public officer shall, on conviction, be liable to a fine of not exceeding fifty dollars, or, at the discretion of the Judge, may be awarded one month's hard labour on the public roads.

31. Any public officer failing to report the offer of a bribe to him in his official capacity shall be deemed to have received the same, and shall thenceforth be held to be ineligible to occupy any public position. Any public officer receiving a bribe may be tried before the High Court and receive such punishment as shall meet the offence.

32. Any Judge who shall in any way abuse his office, or exceed the jurisdiction given to him by this or any other Act, shall be reported to the Chief Judge of the High Court, who shall inquire into and punish the offence.

33. Any policeman or officer of any Court who shall behave harshly or oppressively in the performance of his duties, or who shall force his way into any house without authority and against the will of the owner or owners, may be summoned as an ordinary offender before the District Court, and on conviction shall be liable to a penalty of not more than ten dollars.

34. Any one who shall attempt to terrify or torture any person into confessing an offence that may or may not have been committed, or into giving evidence against others, shall be guilty of an offence against the Federation, and shall be committed to trial before the High Court.

Any such offence shall be punishable by a fine of not exceeding sixty dollars, or, at the discretion of the Judge, by two months' hard labour on the public roads.

35. In default of the payment of any fine mentioned in this Act, the offender may be ordered to do one day's hard labour on the public roads for each dollar of his fine remaining unpaid.

ADMINISTRATION OF THE LAW.

36. The Judge shall hear all cases in open Court, and shall keep a record of each case and of their decisions.

37. Before any Judge shall hear a charge he shall satisfy himself that the accused has been properly summoned to appear, that the charge has been explained to him, and that the accused has had the necessary opportunity to call witnesses for his defence. The accused must in every instance be allowed to cross-examine the witnesses who have given evidence against him.

38. All the laws of Rarotonga, whether of ancient date or made by the so-called Council, are hereby repealed, except such as are embodied in this statute.

39. Either of the parties to a suit heard and determined in the local Courts in Rarotonga may appeal to the High Court against the decision of the Judge.

40. Notice of appeal shall be served on the Judge who heard the case within one month of the date of the decision appealed against, and a fee of ten shillings shall be payable to the High Court for the hearing of each appeal.

Passed.

Te Ariki TAPU RANGI,
Chairman to Cook Islands Parliament.

Approved.

MAKEA, Ariki,
Chief of the Federal Government.

Approved. To come into operation on the 22nd day of August, 1899.

W. E. GUDGEON, British Resident.

The Residency, 22nd August, 1899.

No. 15.—“THE STATUTE OF ATIU, MITIARO, AND MAUKE,
1899.”*

WHEREAS by Order in Council dated the 22nd day of April, 1899, Lieut.-Colonel W. E. Gudgeon, British Resident, was authorised to revise the laws of Mangaia and other islands for the approval of the Federal Parliament:

Be it enacted by the Federal Parliament of the Cook Islands, with the consent of the British Resident:—

1. The Short Title of this Act shall be “The Statute of Atiu, Mitiaro, and Mauke, 1899.”

2. From and after the passing of this Act it shall not be lawful to prosecute any person for any one of the following acts:—

- (a.) Consulting a sorcerer.
- (b.) Being pregnant as an unmarried woman.
- (c.) Card-playing.
- (d.) Placing one's arm round a woman, even though the offender have no torch in the other hand.
- (e.) Trading with an European without permission.
- (f.) Tattooing or being tattooed.
- (g.) Going from one village to another on a Sabbath.
- (h.) Taking an unmarried woman inland.
- (i.) Crying over a dead woman, even though not related to her.

* This Act was amended by 1900, No. 1.

OFFENCES AGAINST THE PERSON.

3. Any man committing adultery with a married woman may, on conviction, be fined not exceeding one hundred dollars, and, in default of payment, may be sentenced to not more than two months' hard labour on the public roads: Provided always that the Judge, in his discretion, may sentence the offender to sixty days' hard labour without the option of a fine.

That the Judges may order that a portion of the fine be paid to the injured husband or wife.

4. No person shall be punished for an act of fornication with an unmarried woman above the age of fifteen years. But any man carnally knowing any girl under the age of fifteen years, and above the age of twelve years, shall be liable to a fine of not more than ten dollars. Any man carnally knowing or attempting to know any girl under the age of twelve years shall be guilty of a misdemeanour, and shall be committed for trial before the High Court.

That any person who lives immorally in a house with any woman to whom he is not married, shall be deemed to have committed an offence against the public, and, on conviction, shall be liable to a fine not exceeding ten dollars, or, in default, may be sentenced to not exceeding fourteen days with hard labour on the public roads.

5. Any person who shall have carnal connection with a female by force or against her will, and any one who shall attempt to have such connection by force, shall be guilty of a misdemeanour, and shall be committed for trial before the High Court. No female under the age of twelve years shall be capable of giving her consent to such carnal connection, and no man shall plead such consent: Provided always that no one shall be convicted of the crime of rape on the unsupported testimony of the girl.

6. Any person convicted of the crime of incest may be fined not exceeding twenty dollars, and, in addition to such fine, may be sentenced to not exceeding two months' hard labour on the public roads.

7. Any person convicted of slandering his neighbour may be fined not exceeding ten dollars.

8. Any person bearing false witness in the District Courts of Atiu, Mitiaro, and Mauke, with intent to injure any man or woman, may be fined not exceeding twenty dollars, and, in addition to such fine, may be sentenced to not exceeding thirty days' hard labour on the public roads.

9. Whosoever shall assault any police officer or member of the Government with his fists shall be liable to a fine of not exceeding ten dollars, and whosoever shall use a stick in an assault under this section shall be liable to be fined not exceeding twenty dollars.

10. Whosoever shall assault any man, woman, or child, other than those mentioned in section nine, may, if the assault be committed with the fists,

be fined not exceeding five dollars, and if with a stick, not exceeding twelve dollars.

11. Any person committing a violent assault with an axe or other weapon dangerous to life shall be committed for trial before the High Court.

12. Whosoever shall use insulting language to another, calculated to cause a breach of the peace, shall on conviction be liable to a fine of not exceeding five dollars.

13. And whereas the manufacture of bush beer has been productive of much crime: Any man who shall beat his wife while under the influence of liquor may be fined not exceeding fifty dollars, and, in default, sixty days' hard labour.

14. Any policeman who shall seize the clothing of any woman or man in payment of a fine shall be guilty of an offence, and, on conviction, may be fined not exceeding six dollars.

15. Any person found drunk or disorderly in the settlement may, on conviction, be fined not exceeding ten dollars, or, in default, ten days' hard labour.*

OFFENCES AGAINST PROPERTY.

16. Any persons stealing pigs, food, or other small articles of property, may be ordered to pay the value thereof to the owner, and, in addition, may be sentenced to pay a fine of not more than ten dollars: Provided always that where the property can be returned intact to the owner no money shall be paid to him as compensation.

17. Every person owning pig, horse, horned cattle, or goat, is liable for all damages done by those animals, and may be summoned before the District Judge to answer for damage done.

The Judge may, in his discretion, authorise the injured person to destroy the trespassing animal upon any repetition of the offence.

18. Any person maliciously burning down the house or outbuildings of another, or attempting to do so, may be fined not exceeding fifty dollars, or, in lieu thereof, may be sentenced to a term of two months' imprisonment.

19. Any one setting fire to the bush or scrub of the island may be fined not exceeding fifty dollars, or, at the discretion of the Judge, may be sentenced to two months' hard labour.

20. Any person taking the horse of another without leave, and using the said horse for his own work, shall be liable to a fine of not exceeding ten dollars.

21. Any one wounding any bird or animal, the property of another, shall be liable to a fine of not more than ten dollars.

* Hardened offender (see 1900, No. 1, sec. 5).

22. Any one illegally in possession of lost property may be deemed to have stolen it, and shall be liable, on conviction, to a fine not exceeding seven dollars, and shall be ordered to deliver up the lost goods forthwith.

A person shall be held to be illegally in possession of lost property who cannot prove that he has taken steps to ascertain the owner thereof.

MISCELLANEOUS.

23. Any man deserting his wife and children for another woman shall be amenable to the law, and, at the discretion of the Judge, may be ordered to contribute weekly in money or produce towards their support: Provided always that in every case where a wife is deserted by her husband for another woman, or a wife deserts her husband for another man, the injured person may claim to be divorced by the High Court.

24. In all cases where the ownership of land is the matter of dispute or a question of boundary has arisen, the Judge shall visit the land and there take the evidence of the old people of the district, in order that the dispute may be decided with justice to all parties: Provided always that either party may claim to have the case reheard before the Chief Judge of the High Court and two Assessors, one of whom shall be chosen by each of the parties to the suit.*

25. Whereas the introduction of spirituous or intoxicating liquor has always been contrary to the laws of Atiu, Mitiaro, and Mauke. Any person who shall import wine, spirits, or beer into the Islands of Atiu, Mitiaro, and Mauke, except for medicinal purposes on the order of the Resident Surgeon of the Cook Islands Hospital, shall be liable on conviction to a fine of not exceeding fifty dollars.

26. Any person who shall sell or give intoxicating liquor to any person residing within the Islands of Atiu, Mitiaro, and Mauke shall be liable, on conviction, to a fine of not exceeding forty dollars: Provided always that no man shall be punished by reason of his having purchased or consumed intoxicating drink on board of any vessel in the offing.†

27. Any person landing on the Islands of Atiu, Mitiaro, and Mauke under the influence of liquor may be fined not exceeding ten dollars.

28. Any one assisting to manufacture orange-beer or other liquor of an intoxicating nature shall be liable to a fine of not exceeding ten dollars.‡

Any one found with orange-beer or other locally-made intoxicating liquor in his possession shall be liable to a fine of not exceeding seven dollars.

29. It shall not be lawful to import dynamite into the Islands of Atiu, Mitiaro, and Mauke except on a permit recommended by a District Judge and approved by the Chief of the Federal Government. Any offender against this section shall, on conviction, be liable to a fine of not exceeding one hundred dollars.

* See also 1900, No. 1, sec. 8. † See also N.Z. Act 1904, No. 42, secs. 19-28
 ‡ Hardened offender (see 1900, No. 1, sec. 5).

30. Any one using dynamite to kill fish in the waters of Atiu, Mitiaro, and Mauke shall be liable, on conviction, to a fine of not exceeding fifty dollars.

31. It shall be the duty of the district Au to protect the wild birds within the limits of his jurisdiction, and the Au may fine anyone found destroying them a sum not exceeding five dollars, and may recover the fine before the District Court.

32. Any one who shall offer a bribe to a public officer shall, on conviction, be liable to a fine of not exceeding fifty dollars, or, at the discretion of the Judge, may be awarded one month's hard labour on the public roads.

33. Any public officer failing to report the offer of a bribe to him in his official capacity shall be deemed to have received the same, and shall thenceforth be held to be ineligible to occupy any public position. Any public officer receiving a bribe may be tried before the High Court and receive such punishment as shall meet the offence.

34. Any Judge who shall in any way abuse his office, or exceed the jurisdiction given to him by this or any other Act, shall be reported to the Chief Judge of the High Court, who shall inquire into and punish the offence.

35. Any policeman or officer of any Court who shall behave harshly or oppressively in the performance of his duties, or who shall force his way into any house without authority and against the will of the owner or owners, may be summoned as an ordinary offender before the District Court, and on conviction shall be liable to a penalty of not more than ten dollars.

36. Any one who shall attempt to terrify or torture any person into confessing an offence that may or may not have been committed, or into giving evidence against others, shall be guilty of an offence against the Federation, and shall be committed to trial before the High Court.

Any such offence shall be punishable by a fine of not exceeding sixty dollars, or, at the discretion of the Judge, by two months' hard labour on the public roads.

37. In default of the payment of any fine mentioned in this Act, the offender may be ordered to do one day's hard labour on the public roads for each dollar of his fine remaining unpaid.

ADMINISTRATION OF THE LAW.

38. The Judge shall hear all cases in open Court, and shall keep a record of each case and of their decisions.

39. Before any Judge shall hear a charge he shall satisfy himself that the accused has been properly summoned to appear, and that the charge has been explained to him, and that the accused has had the necessary opportunity to call witnesses for his defence. The accused must in every instance be allowed to cross-examine the witnesses who have given evidence against him.

40. All the laws of Atiu, Mitiaro, and Mauke, whether of ancient date or made by the so-called Council, are hereby repealed, except such as are embodied in this statute.

41. Either of the parties to a suit heard and determined in the local Courts in Atiu, Mitiaro, and Mauke may appeal to the High Court against the decision of the Judge.

42. Notice of appeal shall be served on the Judge who heard the case within one month of the date of the decision appealed against, and a fee of ten shillings shall be payable to the High Court for the hearing of each appeal.

Passed.

Te Ariki TAPU RANGI,
Chairman to Cook Islands Parliament.

Approved.

MAKEA, Ariki,
Chief of the Federal Government.

Approved. To come into operation on the 22nd day of August, 1899.

W. E. GUDGEON, British Resident.

The Residency, 22nd August, 1899.

No. 16.—“APPROPRIATION ACT, 1899-1900.”—ESTIMATED EXPENDITURE FOR YEAR 1899-1900.

IT is hereby enacted by the Parliament of the Cook Islands, approved by the Chief of the Federal Government and the British Resident:—

1. That the expenditure for the public service for the year ending the 30th June, 1900, shall not exceed the sums stated in Schedule A of this Act, amounting in all to £2,284 sterling.

2. That every account against the Government shall be certified by the British Resident and approved by the Chief of the Government. The certificate shall state that the services therein named have been performed, and shall name the vote to which that account shall be charged.

3. No money shall be paid except on vouchers signed by the Paymaster and countersigned by the British Resident.

SCHEDULE A.

Vote.	Service.	Voted.
1	Members' honorarium	£ 96 0 0
2	Collector of Customs, Shipping-master, Chief Postmaster, and Licensing Officer	150 0 0
3	Collector of Customs, Postmaster, and Resident Magistrate, Aitutaki	100 0 0
4	Pilot, Aitutaki	5 0 0
5	High Court	185 0 0
6	Revenue Officer and Postmaster—	
	Mangaia	7 10 0
	Atiu	4 10 0
	Mauke	3 0 0
	Mitiaro	3 0 0
7	Treasurer, Paymaster, Clerk, and Interpreter to Federal Government	155 0 0
8	Auditor	15 0 0
9	Medical Officer	250 0 0
10	Public Health and Quarantine Officer	40 0 0
11	Food and drugs for hospital	180 0 0
12	Ground-rent, hospital	7 10 0
13	Expenses, Chief of the Federal Government	60 0 0
14	Expenses, Vice-Chief of the Federal Government	15 0 0
15	Passages of members	18 0 0
16	Expenses of Parliament	20 0 0
17	Maintenance of children at Tereora School	125 0 0
18	Printing laws, &c., for Federal Government, and <i>Io</i> paper to officials of group	75 0 0
19	Messenger to Parliament	3 0 0
20	Judges of Arikis' Courts—	
	Avarua	40 0 0
	Arorangi	20 0 0
	Takitumu	20 0 0
	Aitutaki	24 0 0
	Mitiaro, Atiu, and Mauke	24 0 0
	Mangaia	24 0 0
21	Police—	
	Rarotonga	18 0 0
	Mangaia	13 10 0
	Aitutaki	13 10 0
	Atiu, Mitiaro, and Mauke	13 10 0
22	Contingent expenditure	150 0 0
23	Clerk to Arikis' Court—	
	Avarua	10 0 0
	Arorangi	5 0 0
	Takitumu	5 0 0
	Aitutaki	12 0 0
	Mangaia	12 0 0
	Atiu, Mitiaro, and Mauke	12 0 0
24	First payment on Government offices and land	350 0 0
		£2,284 0 0

ESTIMATED REVENUE for the Year ending 30th June, 1900.

		£	s.	d.
By Cash balance on hand, 1st July, 1899	..	409	1	5
Import duties	..	1,000	0	0
Post-office	..	300	0	0
Trade license	..	250	0	0
High Court	..	185	0	0
Ariki's Courts	..	100	0	0
Liquor-tax	..	70	0	0
		<hr/>		
		£2,314	1	5
		<hr/>		

Passed.

Te Ariki TAPU RANGI,
Chairman to Cook Islands Parliament.

Approved.

MAKEA, Ariki,
Chief of the Federal Government.

Approved.

W. E. GUDGEON, British Resident.

The Residency, 22nd August, 1899.

1900.

No. 1, 1900.—“THE ISLANDS STATUTES AMENDMENT ACT,
1900.”

1. The Short Title of this Act shall be “The Islands Statutes Amendment, Act 1900.”

2. Whereas it is a matter of complaint that young persons are in the habit of entering the houses of others after dark and unsolicited, to the annoyance of the owners of the said houses: It is hereby enacted that from and after the passing of this Act any person entering a house after the hour of nine p.m., unless invited to do so by the owner of the said house, shall be guilty of an offence against the public peace, and on conviction may be fined not exceeding fourteen shillings, or in default the same number of days' hard labour.

3. Any woman convicted of the offence of adultery may be sentenced to not exceeding thirty days' hard labour: [Provided always that her husband shall have formally consented to this sentence in open Court.]*

4. There shall be no appeal from the Resident Magistrate's Court of Aitutaki in any criminal or quasi-criminal case where the fine or penalty shall be less than twenty shillings.

* Repealed by 1902, No. 6, sec. 2.

5. Any person who shall have been thrice convicted within twelve months of any one of the following offences, or shall have been four times convicted of the said offences within the space of two years—

Drunkenness ;

Manufacture of bush beer, or roro,*—

shall be deemed to be a hardened offender, and may, on a subsequent conviction for either of these offences, be fined not exceeding five pounds, or in default three months' imprisonment.

6. The Resident Magistrate at Aitutaki may hear and determine all civil cases, whether between Maoris, Europeans, or Europeans and Maoris, provided always that the matter at issue shall not exceed in value fifty pounds sterling.

7. In all cases in which Natives of the Cook Group are concerned a day's work shall be held to be the equivalent of one shilling of his fine.

8. The High Court of the Cook Islands may, at the request of the Chief of the Government, do any one of the following things in order to decide or prevent land disputes :—

(a.) May order a survey of any land.

(b.) May ascertain, and inscribe on the rolls of the Court, the names of all the owners of any block of land.

(c.) May assess the land-tax payable by such land in each year in order to defray the costs of survey and of the hearing.

Passed.

Te Ariki TAPU RANGI,
Chairman of the Cook Islands Parliament.

Approved.

MAKEA, Ariki,
Chief of the Federal Government.

Approved.

W. E. GUDGEON, British Resident.

The Residency, 22nd August, 1900.

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—
No. 2, 1900.—AN ACT TO REGULATE THE ENLISTMENT OF COOK ISLANDS LABOUR FOR ISLANDS OUTSIDE THE GROUP.

WHEREAS it has been the custom for masters of vessels to enlist Natives of the Cook Islands for the purpose of labour on islands outside of this group, and that it is advisable that this custom should continue as mutually beneficial to each party : And whereas it is not advisable that all the labour should be taken from one island, as heretofore has been the case :

Be it enacted :—

1. The Short Title of this Act shall be "The Labourers Emigration Restriction Act, 1900."

* See also N.Z. Act 1904, No. 42, sec. 24.

2. From and after the passing of this Act it shall not be lawful to allow a greater number of labourers to leave any island of the Cook Group on contract with a foreign firm than those set forth in the following schedule :—

Rarotonga	.. 70 men.	Atiu	.. 30 men.
Aitutaki	.. 50 ,,	Mauke	.. 20 ,,
Mangaia	.. 50 ,,	Mitiaro	.. 10 ,,

3. The Arikis in each island and the Resident Magistrate at Aitutaki will be held responsible that the number of labourers set forth in section two are not exceeded, except on a written permission signed by the British Resident and the Chief of the Federal Government.

4. No Native of the Cook Islands shall be allowed to engage himself as a labourer to a foreign firm until the master of the vessel shall have exhibited a permit signed by the Chief of the Federal Government and the British Resident, which permit shall set forth the number of labourers that may be engaged in each island.

5. Any Ariki who shall be found guilty of negligence, and thereby allow any of the foregoing sections to be broken, may be fined any sum not exceeding five pounds ; and any labourer attempting to evade the provisions of the said sections three and four shall be liable to a fine of not exceeding one pound.

6. In order to preserve the peace and well-being of the Cook Islands, the Chief of the Federal Government may, with the consent of the British Resident, order any man who has been an habitual offender against the laws of the Cook Group to join a labour party for a period of not exceeding twelve months. Habitual drunkenness, persistent immorality, the manufacture of bush beer or roro, and petty larcenies shall be offences within the meaning of this section.

7. The British Resident may fix the proportion of salary that shall be payable to any man dealt with under section six of this Act, and the remainder shall be payable to the Registrar of the High Court, to be dealt with as ordered by the Chief Judge of that tribunal ; notice in writing to be served on the labour agent in each case.

8. Not more than one half of the salary due to any labourer shall be paid in trade ; the balance shall in every instance be paid in the presence of some European officer after the return of the labourer to his home or to the Island of Rarotonga.

9. Every labour vessel shall call at the Island of Rarotonga and obtain authority to remove labourers before enlisting the same at any island of the group.

10. Every master of a vessel carrying labour as aforesaid who shall infringe any of the sections of this Act shall be guilty of an offence, and on

summary conviction before the High Court shall be liable to fine of not exceeding twenty pounds.

Passed.

Te Ariki TAPU RANGI,
Chairman of Cook Islands Parliament.

Approved.

MAKEA, Ariki,
Chief of the Federal Government.

Approved.

W. E. GUDGEON, British Resident.

The Residency, 22nd August, 1900.

No. 3, 1900.—“THE IMPORT DUTIES AMENDMENT ACT, 1900.”*

1. The Short Title of this Act shall be “The Import Duties Amendment Act, 1900.”

2. Notwithstanding anything contained in section four of “The Import Duties Act, 1898,” from and after the passing of this Act a duty of twenty per cent. shall be levied on the original cost, freight, and charges on all goods shipped from the Society Islands and dependencies, whether from the Port of Tahiti or other ports of the said colony.

3. Any person infringing the provisions of section three of “The Import Duties Act, 1898,” shall be liable to a fine of not exceeding one hundred pounds, and the vessel from which goods have been landed in contravention of the said section may be seized and held by the Government until the fine and costs imposed thereon have been paid.

4. And whereas Maori passengers have been in the habit of importing clothing into the Cook Islands from Tahiti, and have evaded the duty by wearing the clothing for a short time: It is hereby enacted that it shall be in the discretion of the Customs officer at Rarotonga to charge a duty of ten per cent. on second-hand clothing imported from Tahiti or other port in all cases where in his opinion an attempt has been made to evade the duty.

5. From and after the passing of this Act a duty of ten per cent. shall be levied on all Chili dollars imported into the Cook Islands.†

6. The penalty provided by section six of “The Import Duties Act, 1898,” shall apply to this Act.

7. Section four of “The Import Duties Act, 1898,” is hereby amended by the insertion of the following words after the words “duty free” in the proviso to the said section: “Provided always that the personal effects shall be genuinely second-hand, and that the clothing shall not have been used merely for the purpose of evading payment of duty.

* This Act has apparently been superseded by N.Z. Act 1901, No. 44, sec. 10.

† This section is superseded by 1902, No. 7, sec. 4.

8. Section two of this Act shall not come into operation until a day to be fixed hereafter, and to be proclaimed in the *Cook Islands Government Gazette*, the *Gazette* notice to be signed by the Chief of the Federal Government and the British Resident.*

Passed.

Te Ariki TAPU RANGI,
Chairman of the Cook Islands Parliament.

Approved.

MAKEA, Ariki,
Chief of the Federal Government.

Approved.

W. E. GUDGEON, British Resident.

The Residency, 22nd August, 1900.

No. 4, 1900.—“THE PRIVATE DEBTS ACT, 1900.”

WHEREAS the Maori inhabitants of the Cook Islands have been the victims of reckless trading, and have been allowed to incur debts that will take years to liquidate: And whereas it is in the interests of the said Maoris that this system of trade should cease forthwith:

Be it enacted:—

1. The Short Title of this Act shall be “The Private Debts Act, 1900.”

2. A debt incurred after the thirty-first day of August, one thousand nine hundred, by any Maori, or by a half-caste who is living among the Maoris, shall not be recoverable by any process of law known in the Cook Islands.

3. Contracts entered into by chiefs for or on behalf of the tribe may be enforced by either of the parties to the contract: Provided always that such contract shall have been entered into and signed in the presence of the British Resident, or in the presence of some person duly appointed by him for that purpose, and shall have been approved by the Resident.

4. Debts incurred previous to the thirty-first day of August, one thousand nine hundred, may be sued for in the High Court of the Cook Islands in the following manner—namely, in Rarotonga at any time before the thirtieth day of November, one thousand nine hundred; and at other islands of the group at the first sitting of the High Court in that island after the passing of this Act.

5. When the High Court shall have granted a debt certificate to any suitor under section four of this Act, it shall be the duty of the Au of the district in which the debtor lives to inquire into the circumstances of the man,

* Section 2 was not brought into operation.

and recommend to the High Court a reasonable arrangement for the payment of the debt.

6. In the event of the Au neglecting to compel the payment of a debt in the manner presented in section five, the High Court may make such order for payment as shall seem just and reasonable, and, in default of payment, may order the defaulter to be imprisoned with hard labour for any period not exceeding one month, with hard labour for each default.

7. All moneys recovered under this Act shall be paid in the manner directed by the Court.

Passed.

Te Ariki TAPU RANGI,
Chairman of the Cook Islands Parliament.

Approved.

MAKEA, Ariki,
Chief of the Federal Government.

Approved.

W. E. GUDGEON, British Resident.

The Residency, 22nd August, 1900.

NO. 5, 1900.—AN ACT TO RESTRICT THE IMMIGRATION OF CHINESE AND OTHER ASIATICS INTO THE COOK ISLANDS.

WHEREAS experience has shown that the Native inhabitants of many of the Pacific Islands have been demoralised by contact with Chinese immigrants, they having contracted the habit of opium-smoking and other evil practices of a like nature:

Be it enacted:—

1. The Short Title of this Act shall be "The Asiatics Immigration Restriction Act, 1900."

2. "The Asiatic Restriction Act, 1898," is hereby repealed.

3. No Chinaman or other Asiatic shall be allowed to land or reside in or within the limits of the Cook Islands unless such man or woman shall have first obtained the written permission of the British Resident and the Chief of the Federal Government, and shall furthermore have paid into the hands of the Collector of Customs the sum of one hundred pounds for himself and for each member of his family: Provided always that those Chinamen who are already residing in the Cook Islands shall, if they are good characters, receive the permission to reside, and shall not be called upon to pay any sum for that permission.

4. The master of any sailing-vessel or steamer who shall bring Asiatics to this group, and shall allow them to land in contravention of section three,

shall be guilty of an offence, and shall be liable, on a summary conviction before the High Court, to a penalty of not more than fifty pounds for each person landed, and in addition shall be required to remove the Asiatic so landed to any place outside of the group.

5. It shall not be a defence to any action under section four that the Asiatic was a member of the crew of the said vessel and not an immigrant within the ordinary meaning of the term.

Passed.

Te Ariki TAPU RANGI,
Chairman of Cook Islands Parliament.

Approved.

MAKEA, Ariki,
Chief of the Federal Government.

Approved.

W. E. GUDGEON, British Resident.

The Residency, 22nd August, 1900.

No. 6, 1900.—“MEDICAL OFFICER’S INQUIRY ACT, 1900.”

WHEREAS certain unqualified persons, Maori and European, have, by their ignorant and unscientific treatment of disease, added to the mortality of the people of Rarotonga :

Be it enacted by the Federal Parliament, with the approval of the British Resident :—

The Short Title of this Act is “ The Medical Officer’s Inquiry Act, 1900.”

1. In all cases of death occurring in Rarotonga where the Medical Officer shall deem it necessary, the Medical Officer may apply to the Chief Judge of the High Court for authority to hold an inquiry to determine the cause of death, and on receipt of such authority under the hand of the Chief Judge of the High Court shall hold such inquiry.

2. No *taunga*, whether Maori or foreigner, shall secretly attend any person who is seriously ill, but shall at once inform the Government Medical Officer that he has attended and prescribed for such sick person. The Medical Officer has been appointed to do this work, and will use his power in giving advice where the *taunga* has complied with this section, but if a *taunga* does not at once inform the Medical Officer that he is attending a patient, and the patient dies, an inquiry may be held.

3. For the purpose of such inquiry a jury of four may be empanelled.

4. The Medical Officer’s inquiry shall be held at such time and at such places as the Medical Officer may direct.

5. That, subject to the provisions of this Act, the procedure of the inquiry shall be in accordance with the principles and practice of the English Coroners’ inquiry.

6. The Medical Officer shall have power to call witnesses and to receive testimony, sworn and unsworn.

7. Any person who shall have been duly cited to attend a Medical Officer's inquiry as juror or witness, and who shall fail to appear, shall be guilty of contempt against the High Court, or any person who shall interfere with the maintenance of order at such an inquiry may be prosecuted therein.

8. In all cases where an inquiry has been held under this Act, the Medical Officer shall report the result of the proceedings to the Chief Judge of the High Court.

Passed.

Te Ariki TAPU RANGI,
Chairman of Cook Islands Parliament.

Approved.

MAKEA, Ariki,
Chief of the Federal Government.

Approved.

W. E. GUDGEON, British Resident.

The Residency, 22nd August, 1900.

No. 7.—“APPROPRIATION ACT, 1900-1901.”—ESTIMATED
EXPENDITURE FOR YEAR 1900-1901.

It is hereby enacted by the Parliament of the Cook Islands, approved by the Chief of the Federal Government and the British Resident:—

1. That the expenditure for the public service for the year ending the 30th June, 1901, shall not exceed the sum stated in Schedule A of this Act, amounting in all to £2,724 sterling.

2. That every account against the Government shall be certified by the British Resident and approved by the Chief of the Government. The certificate shall state that the services therein named have been performed, and shall name the vote to which that account shall be charged.

3. No money shall be paid except on vouchers signed by the Paymaster and countersigned by the British Resident.

SCHEDULE A.

Vote.	Service.	Voted.
1	Honorarium of members	£ 72 0 0
2	Collector of Customs, Shipping-master, Chief Postmaster, and Licensing Officer	150 0 0
3	Collector of Customs, Postmaster, and Resident Magistrate, Aitutaki	100 0 0
4	Pilot, Aitutaki	8 0 0
5	Government boat, Rarotonga	5 0 0
6	High Court Judges, Registrar, and travelling	140 0 0
7	Postmaster—	
	Mangaia	6 0 0
	Atiu	4 10 0
	Mauke	3 0 0
	Mitiaro	2 0 0
8	Treasurer, Paymaster, Secretary, and Interpreter	155 0 0
9	Auditor	15 0 0
10	Medical Officer	250 0 0
11	Public Health and Quarantine Officer	40 0 0
12	Food and drugs for Cook Islands Hospital	180 0 0
13	Ground-rent, hospital	7 10 0
14	Expenses, Chief of the Federal Government	60 0 0
15	Expenses, Vice-Chief of the Federal Government	15 0 0
16	Passages of members	18 0 0
17	Expenses of Parliament	20 0 0
18	Maintenance of children at Tereora School	125 0 0
19	Printing laws, &c., for Federal Government, and <i>Io</i> paper to officials of group	100 0 0
20	Judges of Arikis' Courts—	
	Avarua	40 0 0
	Arorangi	10 0 0
	Takitumu	20 0 0
	Aitutaki (three Judges)	24 0 0
	Mangaia (three Judges)	24 0 0
	Atiu	8 0 0
	Mauke	5 0 0
	Mitiaro	3 0 0
21	Police—	
	Rarotonga	20 0 0
	Mangaia	13 10 0
	Aitutaki	18 0 0
	Atiu	5 0 0
	Mauke	3 0 0
	Mitiaro	1 0 0
22	Clerks to Arikis' Courts—	
	Avarua	10 0 0
	Arorangi	5 0 0
	Takitumu	5 0 0
	Mangaia	12 0 0
	Atiu	4 0 0
	Mauke	3 0 0
	Mitiaro	1 0 0
23	Contingent expenditure	150 0 0
24	Second payment on Government offices and land	500 0 0
25	Subsidy in aid of Government schooner	300 0 0
26	Food for the fencers of Ngatipa Domain	60 0 0
27	Messenger for Parliament	3 10 0
		£2,724 0 0

V. ORDINANCES PASSED BY THE FEDERAL COUNCIL.

1901.

COOK ISLANDS, RAROTONGA.—ORDINANCE No. 1, 1901.

TRADERS' LICENSE EXTENSION ORDINANCE.

“THE Traders' License Act, 1898,” and the regulations made thereunder, are hereby extended to and shall have force within the Island of Penrhyn as from the 31st day of December, 1901.

Passed by the Federal Council on the 10th day of December, 1901.

W. E. GUDGEON, Resident Commissioner.

[Assented to by the Governor on the 21st day of March, 1902.]

COOK ISLANDS, RAROTONGA.—ORDINANCE No. 2, 1901.

PROTECTION OF PROPERTY ORDINANCE.

WHEREAS many complaints have been received from persons of the Native race and European residents in the district of Arorangi to the effect that their animals and crops have been maliciously destroyed or stolen: And whereas it would appear that the offenders are screened or defended by the people of their Tapere:

Be it enacted:—

1. The Short Title of this Ordinance shall be “The Protection of Property Ordinance.”

2. This Ordinance shall apply to the Island of Rarotonga, but may, by resolution of the Federal Council, be made to apply to any island in the Federation.

3. In any case where it shall be proved before the Chief Judge of the High Court that property has been stolen or maliciously destroyed, and that there is reasonable cause to believe that the offenders are being screened or protected by the people of any Tapere, the Chief Judge aforesaid may ascertain the value of the property stolen or destroyed, and may impose a fine on one or more Taperes equivalent in value to the said property and the costs of the suit.

4. The Chief Judge of the High Court may order the Mataiapo of any Tapere to collect the fine imposed and pay it into the Court within the period named by the Court, and any person who shall neglect or refuse to carry

out the order of the Court, or shall obstruct the collection of the fine, shall be guilty of contempt of Court and liable to fourteen days' imprisonment with hard labour, or a fine not exceeding twenty shillings.

5. Any person who shall be found trespassing on the land of another without the permission of the owner or occupier shall, unless he or she can show sufficient reason for the trespass, be liable to a fine of not exceeding forty shillings, or in default one month's imprisonment with hard labour.

6. In any instance where it shall be shown that a landowner has been persistently annoyed by petty larcenies or malicious injury to his property, the Chief Judge of the High Court may call upon the Ariki of the district to call out the able-bodied inhabitants of the adjoining Tapere and fence in the land of the injured person with the ordinary wall of coral rock.

Ordinance passed unanimously at 10 a.m., 14th December, 1901.

S. SAVAGE, Clerk to Council.

[Assented to by the Governor on the 21st day of March, 1902.]

COOK ISLANDS, RAROTONGA.—ORDINANCE No. 3, 1901.

SALE OF COCOANUTS RESTRICTION ORDINANCE.

WHEREAS many thousands of cocoanuts are stolen every year within the Cook Islands, and it is expedient that restrictions should be placed on the sale of this stolen property to Maori and Chinese tea-shops :

Be it enacted :—

1. The Short Title of this Ordinance shall be "The Sale of Cocoanuts Restriction Ordinance."

2. During the continuance of a *rahui* over the cocoa-palms of any island it shall not be lawful to sell any of the nuts thereof except by permission of a policeman, who may either signify in writing that the vendors are the rightful owners of the nuts, or attend the traders personally to authorise the sale.

Any Maori infringing the provisions of this section shall be liable to a fine of ten shillings, or, in default, hard labour for ten days.

Any European committing an offence against this section shall be liable to be fined five pounds and have his license cancelled.

3. Any policeman appealed to under the provisions of the last section shall satisfy himself that the person in possession of the nuts had come by them lawfully before he shall give his consent.

4. Traders shall in all cases keep the record required by section fifteen of "The Au Empowering Act, 1899," and shall be liable to a fine of twenty shillings for any neglect of this provision.

5. The provisions of section two of this Ordinance shall continue in force even after the *rahui* over cocoanuts have been removed by notice in the *Cook Islands Gazette*, subject also to the following additional restrictions:—

- (a.) That no nuts shall be purchased from any person who would appear to be under the age of sixteen years.
- (b.) All nuts shall be paid for in coin, whether Chili or British, and shall not be bartered for tea, biscuit, or other goods.

6. This Ordinance shall apply to the Islands of Mangaia, Rarotonga, Atiu, Mauke, and Mitiaro, but shall not apply to Aitutaki until adopted by resolution of the Council of that island.

Ordinance passed unanimously, 14th December, 1901.

S. SAVAGE, Clerk to Council.

[Assented to by the Governor on the 21st day of March, 1902.]

1902.

ORDINANCE No. 4, 1902.

PEARL-SHELL INDUSTRY ORDINANCE.

WHEREAS it has hitherto been the custom to take and export from the Island of Penrhyn small and immature shell, to the injury of this valuable industry, and it is expedient to prevent the same, and generally to regulate this industry within the Pacific islands now included within the boundaries of New Zealand: And whereas the eighth section of the Cook and other Islands Government Act gives power to the Federal Council to make laws for the government and welfare of all the said islands and the people thereof:

Be it enacted:—

1. From and after the passing of this Ordinance no shell shall be removed from any of the waters of the lagoon, or exported from any of the said islands, unless such shell shall be of a diameter of not less than four and a half inches.

Any person convicted of a breach of this section shall, on conviction, be liable to a penalty of not exceeding twenty pounds sterling.

2. Any trader or other person who shall purchase shell of a less diameter than the four and a half inches before mentioned shall, on conviction, be liable to a penalty of not exceeding ten pounds.

3. It shall be the duty of the Resident Agent at Penrhyn to examine all shell before it is packed in boxes for export, and to facilitate this inspection

every trader shall give due notice to the Resident Agent before packing any shell; and any person neglecting to give the required notice shall be liable to a fine of not exceeding five pounds.

4. The Customs Officer or Resident Agent at Penrhyn may inspect shell in any shed or warehouse at any time that he may consider it expedient to do so, and may make such local regulations as to his inspection as may be found necessary and shall be approved by the Resident Commissioner.

5. It shall not be lawful for any person to buy pearl-shell on the Islands of Penrhyn, Manihiki, or Rakahanga unless he shall have been duly licensed as a pearl-shell trader. Any person infringing this section shall be liable to a penalty of ten pounds, in addition to license fee.

6. The license fee shall be five pounds per annum from the first of July in each year, and shall be issued by the Collector of Customs at Penrhyn.

7. All shell shall be cleaned, as far as may be done, in the waters of the lagoon, in order that the small shells and spawn may be returned to the shell-beds.

8. The Customs Officer at Penrhyn may hear and decide all cases under this Ordinance, and may confiscate all shell under the four and a half inches before mentioned, provided that each act of confiscation shall be reported to the Resident Commissioner for his instructions.

9. Any trader may appeal against a decision of the Customs Officer to the High Court by giving that officer notice of appeal in writing, at the same time paying the fine into his hands.

10. It shall not be lawful for the owners of the lagoon, or any part thereof, to lease the same to any one man to the exclusion of the remaining traders. Any such lease shall be null and void.

11. The Resident Commissioner may, in the interests of the Native owners, close a lagoon, or any part thereof, for a period of not exceeding two years, and any person who shall take shell within the preserved limits during the continuance of the *rahui* shall be liable to a fine, on conviction, of not exceeding twenty pounds.

12. In default of the payment of any fine imposed under this Ordinance, a Judge of the High Court may order imprisonment, with or without hard labour, for any period not exceeding six months.

Passed on Monday, the 10th March, 1901.*

MAKEA.

TINOMANA.

NGAMARU.

PA.

W. E. GUDGEON, Resident Commissioner.

[Assented to by the Governor on the 3rd day of April, 1902.]

* This should evidently be 1902

No. 5.—AN ORDINANCE TO EXTEND THE PROVISIONS OF “THE TRADERS’ LICENSE ACT, 1898,” TO THE ISLAND OF NIUE.*

[Be it enacted by the Federal Council of the Cook and other Islands :—

1. *The Short Title of this Ordinance is “The Traders’ License Extension Ordinance, 1902.*

2. *“The Traders’ License Act, 1898,” and the regulations made thereunder are hereby extended to and shall have force within the Island of Niue as from the first day of April, 1902.*

Passed the 3rd day of July, 1902.

*S. Savage,
Clerk to Council.]*

[Assented to by the Governor on the 25th day of August, 1902.]

No. 6.—AN ORDINANCE TO AMEND “THE ISLANDS STATUTES AMENDMENT ACT, 1900.”

BE IT ENACTED by the Federal Council of the Cook and Other Islands :—

1. The Short Title of this Ordinance is “The Islands Statutes Amendment Ordinance, 1902.”

2. Section three of “The Island Statutes Amendment Act, 1900,” is hereby amended by striking out the words “Provided always that her husband shall have formally consented to the sentence in open Court.”

Passed the 5th day of July, 1902.

*S. SAVAGE,
Clerk to Council.*

[Assented to by the Governor on the 25th day of August, 1902.]

No. 7.—AN ORDINANCE TO FURTHER RESTRICT THE USE OF CHILI AND OTHER FOREIGN MONEY.

WHEREAS by Proclamation made under the provisions of “The British Currency Act, 1894,” the first day of January, one thousand eight hundred and ninety-five, was fixed as a date from and after which the gold, silver, and other coinage of Great Britain and Ireland should be the only coinage current as legal tender in the Cook Islands: And whereas it is expedient to further restrict the use of foreign money within the Cook Islands and the other islands included within the boundaries of New Zealand by virtue of the Proclama-

* This Act was repealed by N.Z. Act, 1903, No. 89, sec. 6 (2).

tion of the eleventh day of June, one thousand nine hundred and one, other than the Island of Niue (all of which are hereinafter called and referred to as "the said islands"):

Be it therefore enacted by the Cook and other Islands Federal Council as follows:—

1. The Short Title of this Ordinance is "The Chili and Foreign Coinage Restriction Ordinance, 1902."

2. No person shall make payment for the purchase, nor shall any person receive payment for the sale of any fruit, copra, pearl-shell, or other produce of the said islands, in money other than the current coinage of the United Kingdom of Great Britain and Ireland. Any person infringing the provisions of this section shall be liable for each offence to a penalty not exceeding two pounds, or, in default, not exceeding one month's hard labour.

3. No person shall make payment, nor shall any person receive payment for labour or services of any kind in money other than the current coinage of the United Kingdom of Great Britain and Ireland. Any person infringing the provisions of this section shall be liable for each offence to a penalty not exceeding one pound, or, in default, not exceeding fourteen days' hard labour.

4. There shall be paid on all Chili and other foreign coinage and money imported into the said islands an import duty of twenty per cent. *ad valorem*.

5. In any law or laws in force within the said islands or any of them at the date of the coming into operation of this Ordinance, under which law or laws payment of any fees or fines or payment of any kind whatsoever is to be made in dollars, such payment shall hereafter be made in current coinage of the United Kingdom of Great Britain and Ireland at the rate of one shilling and ninepence for each dollar.

6. In any deed or agreement made before the coming into operation of this Ordinance in which payment of any kind is agreed or expressed to be made in dollars, such payment shall hereafter be made in current coinage of the United Kingdom of Great Britain and Ireland at the rate of one shilling and ninepence for each dollar, and, on payment being made in such current coinage of Great Britain and Ireland at the rate aforesaid, the terms and conditions of any such deed or agreement shall be deemed to be so far satisfied or complied with.

7. All proceedings in respect of offences under this Ordinance shall be taken either before the High Court of the Cook Islands or before the Resident European Magistrate at the island where the alleged offence was committed.

Passed this 5th day of July, 1902.

S. SAVAGE,
Clerk to Council

[Assented to by the Governor on the 25th day of August, 1902.]

No. 8.—“WANDERING ANIMALS ORDINANCE, 1902.”

WHEREAS within the Island of Rarotonga all agriculture has heretofore been impossible by means of wandering pigs, horses, and other animals: And whereas from this and other causes, many thousands of acres of the most fertile land have for years been unproductive, and it is imperative that a better condition of affairs should prevail:

Be it therefore enacted by the Cook and other Islands Federal Council:—

1. The Short Title of this Ordinance is “The Wandering Animals Ordinance, 1902.”

2. The administration of this Ordinance shall be left in the hands of the Island Council of Rarotonga, and shall apply to this island only: Provided always that any one of the Cook or other Islands included within the boundaries of New Zealand may by resolution of their Island Council adopt this Ordinance and bring it into force within the limits of that island.

3. All fees and fines collected under the provisions of this Ordinance shall be devoted to the public works of the island.

4. Each Island Council shall, subject to the approval of the Resident Commissioner, appoint one or more Inspectors, whose duty it shall be to carry out the provisions of this Ordinance and see that all fines are paid into the Treasury, or to the Government Agent, as may hereafter be directed.

5. The Resident Commissioner may make rules for the guidance of the Inspectors, and for the regulation and payment of the fees and fines chargeable under this Ordinance. Such rules shall be gazetted and shall have the force of law.

6. The owner or owners of any piece of land may shoot or otherwise destroy all pigs trespassing thereon, unless the owners of the said pigs be known to them, in which case it shall be the duty of the landowner to hand the pigs over to the Inspector, or to a member of the police force, in order that the owners thereof may be summoned before the nearest Court.

Any offender under this section may avoid a summons by paying to the Inspector a fine of five shillings, together with a sum of money equivalent to the damage done, if any:

Provided that in any offence under this section the fine shall not exceed five shillings, nor the expenses of the Court two shillings; nor shall the compensation allowed for damage exceed ten shillings.

7. The owner or person in charge of any stallion who shall suffer such animal to be at large, shall be guilty of an offence and be charged with the same before the nearest Court, and, on conviction, may be fined not exceeding one pound for each offence, in addition to the compensation allowed by the Court for any damage done by the stallion. For any offence under this section the offender may, in default of payment, be ordered to work out both fine and damage, but in no instance shall the labour awarded exceed forty days.

8. Any person suffering damage from a wandering horse, cow, or goat, may hand the animal over to the Inspector or a member of the police, or may cause the Inspector to summon the owner of the animal before the nearest Court, and there recover a fine of not exceeding five shillings, together with compensation for any damage fairly due. In default of payment the fine and damage may be worked out at the rate of one shilling per diem.

9. In any case where the Inspector shall apply to the High Court and show that a man has offended on more than one occasion against the provisions of this Ordinance, and has not paid the fine and damage awarded against him, the Court may order the offending animal to be sold by public auction, and the proceeds devoted to the fine and damages due and Court expenses, and the residue, if any, shall be paid to the owner of the animal sold.

Passed the 5th day of July, 1902.

S. SAVAGE,
Clerk to Council.

[Assented to by the Governor on the 25th day of August, 1902.]

No. 9.—AN ORDINANCE TO PROVIDE FOR THE FENCING OF PUBLIC LANDS.

BE IT ENACTED by the Cook and other Islands Federal Council :—

1. The Short Title of this Ordinance is “The Public Reserves Fencing Ordinance, 1902.”

2. This Ordinance shall apply to the Island of Rarotonga, but may be adopted by the Island Council of any island by resolution duly gazetted in the *Cook Islands Gazette*.

3. Any prisoner who shall have been sentenced to hard labour on the public roads may be lawfully employed either in fencing the Ariki's or other public lands, or in the making of island produce, whether limejuice or copra :

Provided always that any person employing prisoners in the making of such produce, or in the planting or clearing of land, shall pay into the Treasury one shilling per diem for each man so employed.

4. And whereas the industries of the island suffer by reason of wandering pigs and horses, and it is advisable that enclosures of coral rock should be erected by each “Tapere,” in order to keep the animals within bounds, it shall be the duty of each district Ariki, assisted by the Mataiapos, to set aside public reserves for this purpose.

5. Each public reserve of this nature shall be authorised by the Federal Council, and shall by Proclamation in the *Cook Islands Gazette* authorise the Ariki of the district to fence the reserve and call out all of the people of the “Tapere” for that purpose.

6. Any person refusing or neglecting to aid in work done or ordered under the provisions of this Ordinance shall, on conviction, be liable to a fine of two shillings, or, in default, two days' hard labour for each day's default.

Passed the 7th day of July, 1902.

S. SAVAGE,
Clerk to Council.

[Assented to by the Governor on the 25th day of August, 1902.]

**No. 10.—AN ORDINANCE TO IMPOSE A TAX UPON ALL DOGS
WITHIN THE COOK AND OTHER ISLANDS.**

BE IT ENACTED by the Cook and other Islands Federal Council :—

1. The Short Title of this Ordinance is "The Dog-tax Ordinance, 1902."

2. On or after the first day of January in each year there shall be collected a dog-tax on every dog within the limits of the Cook and other Islands. The amount of the tax shall be fixed by the Island Council of each island, and shall be payable to the Inspectors appointed under this Ordinance.

3. Every person owning a dog or dogs within the limits of the said islands shall register such dog in accordance with the Schedule hereto, at the office of the Resident Agent or such other person as may be appointed for the purpose by the Resident Commissioner ; and any person in whose custody charge, or possession, or in whose house or premises, any dog or dogs shall be found or seen shall, unless the contrary be proved, be deemed to be the owner of such dog or dogs for the purpose of this Ordinance.

4. Any person owning a dog or dogs who shall on the first day af June of any year have failed to register such dog or dogs, or to pay the fee under this Ordinance, shall be liable to a penalty not exceeding six shillings, or, in default of payment, to imprisonment with hard labour not exceeding six days, but such penalty or imprisonment shall not act as a discharge of the obligation to register and pay the fee therefor in accordance with the provisions of section three hereof.

5. The Inspector or any island policeman may take charge of any dog that does not appear to belong to any person, and may detain such dog until the owner has claimed the same and paid all the expenses incurred by reason of such detention :

Provided that when any dog taken in pursuance of this Ordinance has been detained for seven days, and during such period shall not have been claimed, the Inspector shall cause the dog to be destroyed.

6. The Resident Commissioner shall appoint one or more Dog-tax Inspectors for each island.

7. Section twenty of "The Au Empowering Act, 1890*," is hereby repealed.

SCHEDULE.

No. Rarotonga, 190 .
 , of , is hereby registered in accordance with the provisions
 of "The Dog-tax Ordinance, 1902," as the owner of the dog described below.
 Sex :
 Colour :
 Marks (if any) : , Resident Agent [or Inspector].

Passed the 7th day of July, 1902.

S. SAVAGE,
 Clerk to Council.

[Assented to by the Governor on the 25th day of August, 1902.]

1903.

No. 11.—AN ORDINANCE TO EXTEND SECTION 2 OF THE TRADERS' LICENSE ACT TO THE ISLANDS OF MANIHIKI, RAKAHANGA, AND PUKAPUKA.

BE IT ENACTED by the Federal Council of the Cook and other Islands :—

1. The Short Title of this Ordinance is "The Trading Schooner Ordinance, 1903."
2. Section two of "The Traders' License Act, 1898," is hereby extended to include the Islands of Manihiki, Rakahanga, and Pukapuka (Danger Island).
3. All trading-vessels within the meaning of section two shall pay the full license fee of ten pounds (£10) in advance.

4. Regulation No. 2, of the twenty-second day of October, one thousand eight hundred and ninety-eight is hereby repealed.

Passed this twentieth day of July, one thousand nine hundred and three.

S. SAVAGE,
 Clerk to the Council.

W. E. GUDGEON, President.

[Assented to by the Governor on the 2nd September, 1903.]

* This is evidently a misprint, it should be "1899."

NO. 12.—AN ORDINANCE TO REGULATE AND INSURE THE ATTENDANCE OF NATIVE CHILDREN AT THE VARIOUS SCHOOLS ESTABLISHED WITHIN THE COOK ISLANDS.

BE IT ENACTED by the Federal Council of the Cook and Northern Islands:—

1. The Short Title of this Ordinance is "The School Attendance Ordinance, 1903."

2. From and after the date on which this Ordinance shall come into force parents will be held responsible for the non-attendance at school of any child above the age of six years and under the age of thirteen years.

3. In all cases of truancy the father of the truant child shall be deemed to be primarily responsible for such truancy, but if it shall be shown in evidence that the father was absent at the time, that the child had been adopted and was living with other people, or that for some other reason the father was not responsible, then the mother or the person in whose charge the child was living shall be held to be the person responsible to the Court.

4. It shall be the duty of all masters of schools established within the limits of the Cook and Northern Islands to maintain a regular attendance of the children at the school over which they preside, and report the non-attendance of any child to the police, whose duty it will be to inquire forthwith into the case and bring the parent or guardian before the nearest Court.

5. Any Judge or Magistrate of a Court within the Cook and Northern Islands aforesaid may inflict a fine of not exceeding one shilling for each act of truancy, provided always that where a child shall have been three times convicted of truancy within one month the parent or guardian shall, on the third conviction, be liable to a fine of not exceeding five shillings.

6. No Court fees shall be charged under this Ordinance in undefended cases, but it shall be in the discretion of the Court to charge the ordinary fees in all cases where the time of the Court has been wasted by the equivocation of parents or guardians.

7. Nothing contained in this Ordinance shall be held to deprive the master of any school of the power to give reasonable exemption from school attendance to any child at the request of the parents.

8. This Ordinance shall apply to the Island of Rarotonga only, but may be adopted by the Island Council of any island and brought into force by Proclamation in the *Cook Islands Gazette*.

Passed the twentieth day of July, one thousand nine hundred and three.

S. SAVAGE,

Clerk to the Council.

W. E. GUDGEON, President.

[Assented to by the Governor on the 2nd September, 1903.]

1904.

No. 13.—AN ORDINANCE TO AMEND “THE AU EMPOWERING ACT, 1899.”

BE IT ENACTED by the Federal Council of the Cook and other Islands as follows:—

1. The Short Title of this Ordinance shall be “The Au Empowering Act Amendment Ordinance, 1904.”
2. The Island Council of each island shall take the place of the “Au” in such island or any district thereof, and the duties, powers, and obligations of the “Au” as defined and set forth in “The Au Empowering Act, 1899,” shall be deemed to be vested in such Island Council.
3. Any Maori in the Island of Rarotonga liable to be called out to work on roads or bridges in pursuance of section eight of “The Au Empowering Act, 1899,” such Maori being in the employ of any European, may, upon payment of the annual sum of ten shillings, be exempt from such work for twelve months ending on the thirty-first day of March in each year. The said sum of ten shillings shall be paid to the Treasurer of the Cook Islands Administration, and shall be placed to the credit of the Public Works Fund.
4. All work on roads or bridges shall be subject to the supervision of the Government Engineer or other officer appointed for that purpose by the Resident Commissioner.

Passed this twenty-seventh day of June, one thousand nine hundred and four.

S. SAVAGE,
Clerk to Council.

W. E. GUDGEON, President.

[Assented to by the Governor on the 6th August, 1904.]

No. 14.—AN ORDINANCE TO PREVENT THE LANDING AND REMAINING IN THE COOK AND NORTHERN ISLANDS OF PERSONS OF BAD CHARACTER, OR OF UNSOUND MIND, OR DRUNKEN HABITS.

BE IT ENACTED by the Federal Council of the Cook and Northern Islands as follows:—

1. The Short Title of this Ordinance shall be “The Immigrants and Vagrancy Ordinance, 1904.”
2. No person who shall have been convicted at any place outside the Cook and Northern Islands of any indictable offence, and no person of

notoriously bad character, or of drunken habits, or of unsound mind, shall be brought to, or land, or remain in the said islands.

3. The master of any vessel, arriving at the said islands from places beyond the said islands, shall forthwith report in writing to the Collector of Customs, or to the European Resident Agent at the island at which such vessel arrives, the names, and, as far as is known, the occupations of all passengers on board such vessel.

4. The master of such vessel shall, if required in writing by such Collector of Customs or European Resident Agent, give a substantial guarantee to an amount not exceeding fifty pounds for each passenger left at any one of the said islands that such passenger will not within six months from the date of his landing within the said islands become a burden to the Government or people of the said islands.

5. If the master of such vessel shall neglect or refuse to make such report as aforesaid, or to give such guarantee when called upon so to do, he may be forthwith summoned before a European Judge of the High Court of the Cook Islands, or before a Resident Magistrate, and shall be liable to a penalty for each offence not exceeding the sum of fifty pounds. Such penalty shall be recoverable from such master, and failing him, from the owners of such vessel. The Collector of Customs or other officer shall not be bound to give any vessel a clearance until the master thereof shall have paid such penalty or shall have complied with the provisions of the two preceding sections.

6. If any person shall be brought to, or shall land and remain in the said islands in contravention of section two hereof, or if any person, a passenger by any vessel as aforesaid, shall, within six months after his arrival in the said islands, be convicted of the charge of vagrancy as hereinafter mentioned, or if such person shall within such period become a burden to the Government or people of the said islands (of which latter fact the declaration in writing of the Resident Commissioner shall be conclusive evidence), such person may be ordered by the Resident Commissioner to leave the said islands, and the master or owners of the vessel which brought such person to the said islands shall be bound to take such person away from such islands, or, in default, the Resident Commissioner may deport such person to the place from which he came by any other vessel at the expense of the master or owners of the vessel by which he had been brought to the said islands. The Resident Commissioner may take all steps necessary to secure the deportation of such person, and for that purpose may authorise any constable of police to take such person into custody and to place him on board ship.

7. Any person, other than a Polynesian Native, living in the said islands, and having no visible lawful means of subsistence or support, may be charged as a vagrant, and, on conviction thereof, may be sentenced to hard labour for a period not exceeding three months.

8. All complaints for offences under this Ordinance may be heard before

a European Judge of the High Court of the Cook Islands or a Resident Magistrate.

9. "The Immigrants Act, 1896," and section six of "The Offenders Punishment Act, 1899," are hereby repealed.

Passed by the Federal Council, this seventeenth day of October, one thousand nine hundred and four.

S. SAVAGE,
Clerk to Council.

W. E. GUDGEON, President.

[Assented to by the Governor on the 5th September, 1905.]

No. 15.—AN ORDINANCE TO DEAL WITH PUBLIC HEALTH.

BE IT ENACTED by the Federal Council of the Cook and Northern Islands as follows:—

1. The Short Title of this Ordinance shall be "The Public Health Ordinance, 1904."

2. The Resident Commissioner may in case of leprosy or any infectious or contagious disease being or appearing in any part of the Cook or Northern Islands make such orders or give such directions as he thinks expedient for the isolation of the persons affected with leprosy or such disease, or for preventing communication between them and other persons as he may think fit, and all such orders and directions shall have the force of law.

3. The Resident Commissioner may appoint any place in which to isolate persons affected with leprosy or infectious or contagious disease, and any place so appointed shall be deemed to be a quarantine-ground, and the provisions of "The Public Health Act, 1900," of New Zealand (including penalties) relating to quarantine-grounds and to persons liable to remain there, and with respect to communicating with or quitting a quarantine-ground or the return to a quarantine-ground of persons quitting the same shall be applicable to such places and persons respectively.

4. Whenever in any house or kainga any person is found to be sick of leprosy or any infectious or contagious disease, or of any sickness the symptoms of which raise a reasonable suspicion that it may be leprosy or infectious or contagious disease, the occupier or head of such house or kainga shall immediately give notice thereof in writing to the Government Medical Officer or to the Resident Agent at the island at which such house or kainga is situate. Any occupier or head of such house or kainga who fails or neglects to give such notice shall be liable to a penalty not exceeding ten pounds or, in default, six months' hard labour.

5. Where the Government Medical Officer or the Resident Agent at any island has reason to suspect that leprosy or any infectious or contagious disease exists in any house or kainga, and no notice thereof has been given in accordance with section four hereof, such Government Medical Officer or Resident Agent may visit and inspect the suspected premises and all persons therein. Any person obstructing the Government Medical Officer or the Resident Agent during such visit and inspection shall be liable to a penalty not exceeding five pounds or, in default, three months' hard labour.

6. Any complaint for an offence under this Ordinance may be heard before a Judge of the High Court of the Cook Islands or before the European Resident Agent at the island where such offence was committed.

Passed by the Federal Council, this seventeenth day of October, one thousand nine hundred and four.

S. SAVAGE,

Clerk to Council.

W. E. GUDGEON,

President, Federal Council.

[Assented to by the Governor on the 5th September, 1905.]

**No. 16.—AN ORDINANCE TO EXTEND THE JURISDICTION OF
THE HIGH COURT OF THE COOK ISLANDS.**

BE IT ENACTED by the Federal Council of the Cook and Northern Islands as follows:—

1. The Short Title of this Ordinance shall be "The High Court Ordinance, 1904."

2. The High Court of the Cook Islands shall have jurisdiction in bankruptcy within the Cook and Northern Islands, and the said High Court and the European Judges and the Registrar thereof shall as far as practicable have such powers and authorities as are conferred on a Court having jurisdiction in bankruptcy, or the Judge or Registrar thereof by "The Bankruptcy Act, 1892," of New Zealand.

3. The High Court of the Cook Islands shall be a Court of Probate, and as such shall, as far as circumstances admit, have for and within its jurisdiction, with respect to the property, real or personal, of deceased persons, other than Natives of the said islands, subject to the jurisdiction of the Court, all such jurisdiction as for the time being belongs to any Court exercising probate jurisdiction in New Zealand.

4. The jurisdiction conferred by sections two and three hereof shall be deemed to have been vested in the said High Court as from the eleventh day of June, one thousand nine hundred and two.

5. The High Court of the Cook Islands shall have jurisdiction in all matters in which jurisdiction was conferred on the Supreme Court or the Federal Court by any Act of the Federal Parliament of the Cook Islands now in force.

Passed by the Federal Council, this seventeenth day of October, one thousand nine hundred and four.

S. SAVAGE,
Clerk to Council.

W. E. GUDGEON,
President, Federal Council.

[Assented to by the Governor on the 5th September, 1905.]

VI. ISLAND COUNCIL ORDINANCES.

(a.) *Niue.*ORDINANCE No. 1.—“ NIUE ISLAND COUNCIL CONSTITUTION
ORDINANCE, 1902.”

Niue Island Council.

WHEREAS it is expedient to define and amend the constitution of the Niue Island Council, and to regulate its procedure :

Be it therefore enacted by the Niue Island Council as follows :—

1. The Short Title of this Ordinance is “ The Niue Island Council Constitution Ordinance, 1902.”

2. The Niue Island Council (hereinafter referred to as “ the Council ”) shall hold office until the twenty-fifth day of August, one thousand nine hundred and four, but thereafter the members shall be elected to serve for a term of three years.

3. The Patuiki of Niue shall be President of the Council, and preside at all meetings thereof, and it shall be his duty to preserve order and regulate the proceedings. He shall sign on behalf of the Council all laws, regulations, or orders made by the Council, and, as President, shall summon the Council to meet at any time and place after receiving a request to that effect from the Government Resident Agent.

He shall dismiss the Council at the close of each session. In the case of the illness or death of the Patuiki, the Council may be summoned by the Government Resident Agent, and may forthwith, if deemed expedient, proceed to elect another President.

4. In the absence of the President, the members present in Council (being a quorum) may select one of their number to act for and on behalf of their President, and his duties and powers for the time being shall be the same as those of the President.

5. The quorum of members necessary to constitute the Council shall be three-fourths of the total number of members.

6. A member of the Council shall cease to hold office under the following circumstances :—

- (1.) Upon the effluxion of time for which he was elected.
- (2.) If he breaks any of the laws enacted by the Council.
- (3.) If he takes money for supporting any matter before the Council.
- (4.) If the inhabitants of the village which he represents prefer a request to the President that he be removed. After the Council has heard the member concerned, should it agree that the complaint is sustained, such member, with the approval of the Government Resident Agent, shall cease to hold office.

5.) If he absents himself from any Council meeting without leave, unless in the case of illness.

7. Upon a vacancy occurring as above, the President of the Council shall give notice to the village concerned to select another member, who shall hold office until the expiry of the term of office of the Council then next ensuing.

8. All laws and regulations, &c., shall be introduced to the Council through the President, and, upon being approved by a majority of the Council (being a quorum), such laws, &c., shall become the laws of Niue upon being assented to by the Governor of New Zealand (hereinafter called "the Governor").

9. In the case of any difference of opinion amongst the members of the Council on any question that may come before them for consideration, the decision of the majority of members shall be final; each individual member in such case shall, upon being asked by the President, record his vote "Aye" or "Nay" and such vote shall be entered in the minutes of Council. Such decision so arrived at shall be binding on all members of Council and shall be considered as final.

10. No law or Ordinance passed by the Council shall become effective unless approved by the Government Resident Agent, nor until the same shall have received the assent of the Governor. Upon such assent being given, such law or Ordinance, &c. shall become the law of Niue, until amended or repealed, as from the date of such assent.

11. It shall be competent for the Council, upon resolution of the whole number, to repeal or amend any law or Ordinance previously made; but such repeal or amendment shall only be made with the concurrence of the whole Council and that of the Government Resident Agent, and shall not take effect until assented to by the Governor.

12. It shall be competent for the Council to appoint or remove committees, to be composed of members of the Council or others, to carry out any portion of the functions of Government in any part of the island which the Council may decide on, and, further, to appoint or remove any officer for the same objects, and to assign them such duties and such remuneration by way of salary or fees as may seem to the Council right and just.

Such appointments or removals shall be made by resolution of the Council, but shall only be effective on the approval of the Government Resident Agent.

13. The Council shall have the power to raise a revenue for the purpose of carrying on the Government of the island in such manner, and at such times, and for such particular purposes as shall be approved by the Governor.

14. The Council shall meet at Alofi in manner heretofore stated, and shall continue sitting each day until dismissed; but it may, on the resolution of the majority, adjourn its meetings from time to time and place to place.

15. All Ordinances, &c., made by the Council shall be written in English and Niue, and in the case of any difficulty of interpretation the English version shall be authoritative.

16. The President of the Council, whilst holding the office of Patuiki, shall be paid a salary of fifty pounds (£50) per annum, and each member of the Council at the rate of three pounds (£3) per annum, to be paid half-yearly as the case may be.

But any future President shall be paid for his services at a salary to be decided on by the Council when the occasion arises.

The foregoing "Niue Island Council Constitution Ordinance, 1902," was passed by the Niue Island Council at Alofi this twenty-fifth day of August, one thousand nine hundred and three.

TOGIA,

President of Niue Island Council.

Approved.

C. F. MAXWELL,

Government Resident Agent, Niue.

[Assented to by the Governor, 6th February, 1904.]

ORDINANCE No. 2.—"REVENUE OF NIUE ORDINANCE, 1903."

Niue Island Council.

WHEREAS it is necessary that a revenue be raised for the proper government of Niue Island :

Now, therefore, be it enacted by the Niue Island Council as follows :—

1. The Short Title of this Ordinance is "The Revenue of Niue Ordinance, 1903."

2. The revenue of Niue shall consist of all Customs duties, fees, fines, or other moneys which are payable under enactments of the Niue Island Council (hereinafter called "the Council").

3. All revenue so raised or levied shall be paid to the Government Resident Agent at Alofi, and shall be placed by him in an account to be called the "Revenue of Niue Account."

4. All moneys payable out of such "Revenue Account" shall be authorised from time to time by the Council and be paid by the Government Resident Agent. An accurate annual statement of the revenues and disbursements shall be laid before the Council by the Government Resident Agent at its first meeting after the thirty-first of March, in each year.

5. The Governor of New Zealand may appoint some person to audit the Revenue Account as provided by section fourteen of "The Cook and other Islands Government Act, 1901," and a certified copy of such report shall be furnished to the Council as soon as possible after the audit.

6. After the passing of this Ordinance all fees and fines, of whatsoever nature, which have heretofore been paid to any individual as fees, fines, &c., for the breaches of the law, or for any privilege granted, &c., shall cease, unless the same are previously authorised by the Council.

7. All fees, fines, Customs duties, or other moneys due to the Revenue Account under any enactment of the Council shall be recoverable before the Government Resident Agent in his judicial capacity.

8. Be it further enacted by the Council that, from and after a date to be published by the Government Resident Agent, there shall be one port of entry for Niue Island, and such port shall be Alofi.

9. All vessels arriving from places outside of Niue Island shall first enter at Alofi, and, subject to the discretion of the Government Resident Agent, shall take their departure therefrom and be cleared from the same place.

10. Masters of vessels arriving in Niue are required to deliver to the Government Resident Agent any mails or other postal matter for the inhabitants of Niue, and they are further required to give the Government Resident Agent at least six hours' notice of their departures, stating the port for which they are bound, failing which their clearance will be withheld.

11. The masters of all vessels clearing at Alofi are required to take mails for the Postmaster-General of the ports to which they are bound, and to deliver such mails to the proper authorities at such ports, failing which their clearances will be withheld.

12. Masters of vessels arriving at Niue and traders doing business at Niue are required, on demand, to produce to the Government Resident Agent all necessary documents bearing on the nature and value of imports arriving at Alofi or other place, and in default thereof shall be liable to a fine not exceeding ten pounds (£10).

13. The Government Resident Agent or Collector of Customs shall at all times have the right of entry and search into any vessel or building, or boxes, packages, or luggage of any description in which it is suspected there are dutiable goods which have not paid duty.

14. Any person evading payment of Customs duty by removing luggage, &c., before the same has been examined by the Customs officer shall be liable upon conviction to a fine not exceeding ten pounds (£10), or, in default of payment thereof, to three months' hard labour.

The foregoing "Revenue of Niue Ordinance, 1903," was passed by the Niue Island Council at Alofi, this twenty-fifth day of August, one thousand nine hundred and three.

TOGIA,
President of Niue Island Council.

Approved.

C. F. MAXWELL,
Government Resident Agent, Niue.

[Assented to by the Governor, 6th February, 1904.]

ORDINANCE No. 3.—“ NIUE ISLAND NATIVE MAGISTRATES AND POLICE ORDINANCE, 1904.”

Niue Island Council.

WHEREAS it is expedient to provide for the establishment of Courts of Justice within the Island of Niue, and the appointment of police and Magistrates for the maintenance of law and order :

Be it therefore enacted by the Niue Island Council as follows :—

1. The Short Title of this Ordinance is “ The Niue Island Native Magistrates and Police Ordinance, 1904.”

2. All cases of breaches of the law shall be dealt with under this Ordinance.

Provided that in all cases where white people are concerned the Native Magistrates hereinafter mentioned shall have no jurisdiction. All such cases shall be dealt with by the Court (meaning thereby the Court held before the Resident Commissioner for Niue, and sitting in Niue).

3. There shall be five Native Magistrates for Niue Island, who shall exercise their functions within the following districts, which are hereby constituted, viz. :—

Alof and Tamakautoga	..	..	..	1 Magistrate.
Avatele and Fatiau	..	..	..	1 Magistrate.
Hakupu and Liku	..	..	..	1 Magistrate.
Tamalagau and Mutualau	..	..	..	1 Magistrate.
Hikutavake, Tuapa, and Makefu			..	1 Magistrate.

And it is further provided that each Magistrate as above shall be appointed alternately from each of the villages as above, and hold office for a term of six months alternately.

4. Each Native Magistrate shall be appointed by the Niue Island Council (hereinafter called the ‘ Council ’) with the approval of the Resident Commissioner, one to each district ; and he shall hold office until removed by the Council.

Such Native Magistrate shall take an oath to keep the laws of Niue and administer them impartially. Each Native Magistrate shall receive a salary of six pounds a year, to be paid half-yearly out of the revenue of Niue, through the Resident Commissioner.

5. It shall be the duty of the Native Magistrates to hear any complaints of breaches of the laws of Niue, as enacted by the Council, which are properly brought before them. They shall also have power to deal with the following offences :—

OFFENCES AGAINST THE PERSON.

6. Any person committing adultery with a married woman shall be liable on conviction to a fine not exceeding five pounds, and in default of payment

on the date fixed by the Native Magistrate may be sentenced to not more than three months' hard labour, or the Native Magistrate may sentence the offender to hard labour without the option of a fine.

The Resident Commissioner may, in his discretion, award to the injured wife or husband a part of the fine not exceeding four pounds.

Any woman committing adultery may, on conviction, be fined in a sum of not more than three pounds, or be ordered to make mats, hats, or other articles of saleable value to a like value.

7. Any person who shall carnally know a girl of or over twelve and under fifteen years of age shall be liable, on conviction, to a fine of not more than two pounds, or, in default, to one month's hard labour.

But any one carnally knowing a girl under twelve years of age shall be brought before the Court held by the Resident Commissioner of Niue, and, upon conviction, may be fined not exceeding twenty pounds, or, in default of payment thereof, sentenced to six months' hard labour.

8. Any person who shall force, or attempt to force, a woman against her will, shall be liable, on conviction, to not more than six months' hard labour. But no one shall be convicted hereunder on the unsupported testimony of the female: Provided, however, that, in case of such assault, if the complaint is made at once by the woman to other persons, the Native Magistrate may hear the case on such evidence.

9. Any person convicted of the crime of incest may be fined not exceeding five pounds, in addition to six months' hard labour.

10. Any person procuring for, or assisting a woman in, immoral purposes, on conviction may be fined two pounds, or may be sentenced to two months' hard labour, and any woman soliciting any male for immoral purposes may be punished in a similar manner.

11. Any person procuring or assisting to procure abortion of any woman shall be tried before the Resident Commissioner, and if convicted may be fined ten pounds, or in default thereof sentenced to three months' hard labour.

12. Any person convicted of slandering another person may be fined a sum of not exceeding one pound.

13. Any person convicted of bearing false witness before the Native Magistrates may be fined not exceeding two pounds, or, in default thereof, may be sentenced to one month's hard labour.

14. Any person convicted of assaulting a police officer, a member of the Council, or Native Magistrate, in the execution of his duty, may be fined not exceeding two pounds, or, in lieu thereof, may be sentenced to one month's hard labour.

15. Any person convicted of assault on any other person, outside those mentioned in the previous section, may be fined a sum of not exceeding one pound, or, in lieu thereof, may be sentenced to fifteen days' hard labour.

16. Any person convicted of using language towards another person

tending to a breach of the peace may be fined a sum not exceeding ten shillings, or, in lieu thereof, may be sentenced to six days' hard labour.

17. Any person convicted of assault with weapons or other instruments, with the intent to do serious permanent injury, shall be committed to the Court held before the Resident Commissioner for Niue for trial, and, upon conviction, may be sentenced to not exceeding twelve months' hard labour.

18. Any person convicted of being drunk or disorderly may be fined not more than two pounds, or, in default thereof, sentenced to not more than one month's labour.

OFFENCES AGAINST PROPERTY.

19. Any person convicted of stealing the property of others shall pay the value thereof to the owner, or return the property, and shall, in addition to such value, perform hard labour for not more than three months.

20. Any person owning horses, pigs, or other animals shall be responsible for all damage done by them, and may be summoned before the Native Magistrate, who shall decide the amount of damage payable to the person suffering damage. Should the amount so assessed not be paid at the time fixed the defaulter may be fined in the value of the damage.

21. Any person convicted of maliciously setting fire to, or attempting to burn, any building belonging to another, may, on conviction, be fined any sum not exceeding five pounds, in addition to the value of the property destroyed, which latter is to go to the injured individual; or, in default of payment, the offender may be sentenced to six months' hard labour.

22. Any person convicted of wilfully damaging any property or animal of another may be fined not exceeding two pounds, in addition to the value of the property destroyed or damaged, the latter value to be paid to the injured party, or, in default thereof, the offender may be sentenced to hard labour for not exceeding one month.

23. Any person convicted of deserting his wife or family may be ordered by the Native Magistrate to contribute to her or their support weekly, in money or goods, to an amount to be decided on by the Native Magistrate, failing which the offender may be sentenced to hard labour for any term not exceeding two months.

24. Any person found on the premises of another after dark, and refusing to leave when ordered by the owner or occupier, may be fined in a sum not greater than ten shillings.

25. Any person convicted of obtaining money under false pretences shall be remanded to the Court, which may inflict a fine not exceeding five pounds, or, in default of payment thereof, may impose a sentence of three months' hard labour.

26. Any person convicted of forging any document shall be remanded to the Court, which may inflict a fine not exceeding ten pounds, or, in default of payment thereof, may impose a sentence of six months' hard labour.

POLICE.

27. There shall be a body of police, to be appointed by the Council with the approval of the Resident Commissioner for Niue, two constables for Alofi, and one each for the remaining ten villages of Niue, and they shall hold office during the pleasure of the Council. Each policeman shall be paid at the rate of three pounds per annum. The duties of the said police shall be to see that the laws are carried out, to report cases of breaches of the law to the Native Magistrate, to warn people to attend the Courts when so directed by the Native or other Magistrates, to get up the necessary evidence in cases coming before the Court, to oversee the persons sentenced to hard labour, and to perform such other duties as they may from time to time receive instructions for from the Resident Commissioner.

28. Any policeman who shall behave harshly or oppressively in the execution of his duty, or shall force his way into any house without due authority and against the will of the owner, may be summoned by the aggrieved party before the Native Magistrate, and, on conviction, shall be liable to a fine of not more than two pounds.

MISCELLANEOUS.

29. The Native Magistrates shall in all cases hear such cases in places open to the public, and they shall keep a record of all cases brought before them, and their decisions thereon, in a form to be supplied to them by the Resident Commissioner.

30. Before the Native Magistrates hear any case they shall satisfy themselves that the accused person or persons have been properly summoned to appear by notice of at least three days before the case is heard, and that the charge has been explained to him or them, and that the accused is at liberty to call witnesses for his or their defence. The accused must in all cases be allowed to examine witnesses and make a statement in his or their own behalf.

31. There shall be paid into the hands of the Native Magistrate, before he hears any case coming before him under the "Offences against Property" sections of this Ordinance, a sum of two shillings.

32. Any person aggrieved by the decision of the Native Magistrates may appeal to the Court against any such decision on giving notice to the Native Magistrate within one month of his decision, and on depositing with the application the sum of ten shillings.

33. All fees or other moneys received under this Ordinance, where not otherwise provided for, are to be paid to the Resident Commissioner at Alofi as soon as possible, and will be placed by him in the Revenue of Niue Account.

34. Any person failing to appear when duly summoned in cases under the "Offences against the Person" sections of this Ordinance may be ap-

prehended by the police on the order of the Native Magistrate, and thereupon shall be brought before the Court for trial.

35. If any persons fail to appear when duly summoned in cases under the "Offences against Property" sections of this Ordinance, judgment may be recorded against them, and on failure to comply with such judgment the offender may be brought by the police, on due authority, before the Court, and may be fined not exceeding one pound for contempt of Court, in addition to any fine or other punishment which may be inflicted for the offence for which the summons has been issued.

36. Any person refusing to comply with the order of any Court in the Island of Niue will render himself liable to have any of his property seized by the police, on authority duly issued, which property may be sold to defray the judgment and costs thereof.

37. Any person who offers a bribe to any officer of the Government of Niue shall, on conviction, be liable to a fine not exceeding five pounds, or, in the discretion of the Native Magistrate, may be sentenced to not more than three months' hard labour.

38. Any officer of the Niue Government who receives a bribe in any form, on conviction before the Court, shall lose his office, and shall be ineligible for future employment.

39. In any case wherein the Resident Commissioner has reason for thinking that substantial justice has not been done by the Native Magistrate, he shall have power to order a new trial before one or more of the other Magistrates or before the Court.

40. Any person intimidating another, or offering payment of any kind to another to conceal any offence under this Ordinance, may, on conviction, be punished as if he had committed such an offence.

41. Any person proved to be the father of a child or children of a widow or unmarried woman may be ordered by the Native Magistrate to contribute monthly to the support of each such child a sum of money not exceeding four shillings, or goods to that value, such support to be continued until the said child or children shall have attained the age of seven years.

Neglect to comply with the order of the Magistrate may be punished by one week's hard labour for each default.

The foregoing "Niue Island Native Magistrates and Police Ordinance, 1904," was passed by the Niue Island Council at Alofi, this seventeenth day of June, one thousand nine hundred and four.

TOGIA,
President of Niue Island Council.

Approved.

C. F. MAXWELL,
Resident Commissioner, Niue.

[Assented to by the Governor, 26th August, 1904.]

ORDINANCE No. 4.—“ NIUE ISLAND MARRIAGE AND REGISTRATION ORDINANCE, 1904.”

Niue Island Council.

BE IT ENACTED by the Niue Island Council as follows :—

1. The Short Title of this Ordinance is “ The Niue Island Marriage and Registration Ordinance, 1904.”

2. The word “ Court ” when used herein shall mean any Court of competent jurisdiction constituted under the powers conferred by subsection three of section eight of “ The Cook and other Islands Government Act, 1901,” and presided over by the Resident Commissioner for Niue sitting within the Island of Niue.

3. No marriage of a Native inhabitant of Niue or other Pacific islander performed within the island of Niue shall be legal unless made in accordance with the provisions of this Ordinance.

4. All local marriages shall be legal when made by a resident missionary of the London Missionary or other society established within the Island of Niue, or by such Native pastors as shall have been registered in the office of the Resident Commissioner for Niue on the recommendation of the aforesaid resident missionary of the London Missionary Society.

5. The Resident Commissioner shall issue to such Native pastors as above a notification informing them that they are empowered to act in the above behalf.

6. Notice shall be given by the parties interested to the Resident Minister or to the Native pastor of their intention to marry, and not less than three clear days shall intervene between such notice and the performance of the ceremony.

7. Except with the consent of the parents or guardians no man or woman shall be capable of entering into the bonds of matrimony unless he or she shall be of the full age of twenty-one years, and no woman may be married under the age of fifteen years. But, with the consent of the parents or guardians, a man may be married at the age of eighteen years.

8. Persons desirous of being married by a license under this Ordinance shall appear before the Resident Minister or a Native pastor and make a declaration to the following effect :—

- (a.) That they are of legal age.
- (b.) That they know of no legal objection to their marriage.
- (c.) That they are entering into marriage of their own free will.
- (d.) If under age, that they have obtained the consent of their parents or guardians.

9. No objection to a marriage shall be valid except that of parents, if alive, or that of the nearest of kin or guardians if the parents are dead. And in the case of an adopted child, the foster parents may act in the place of the parents.

10. Persons of the Native race from other islands outside Niue may have

their marriages recognised in Niue on making a declaration before the Resident Minister, stating the name of place and date of marriage, by whom solemnised, and that they know of no reason why such marriage should not be legal in Niue. But no Native of any other island may be married in Niue until he or she produces a statement under the hand of the resident minister of his or her home, to the effect that such individual is single, and of the age of twenty-one years, and that there is no known objection to his or her marriage.

11. Any person making a false statement under this Ordinance shall be liable, on conviction before the Court, to a fine of not more than three pounds or, in default, to hard labour for not more than two months, and, in the case of a woman, may be ordered to make hats or mats or other produce to the value of the fine.

REGISTRATION.

12. The Resident Minister is hereby constituted Registrar of Births, Deaths, and Marriages within the Island of Niue, and it shall be his duty to keep a register of all births, deaths, and marriages occurring. It shall be the duty of all Native pastors to furnish to the Registrar on the thirty-first of March of each year a return showing all births, deaths, and marriages occurring in their districts during the previous twelve months.

13. All births and deaths occurring in the island shall be registered by the parents, guardians, or nearest of kin with the Registrar or with the Native pastors within one month of the birth or death, as the case may be. Any one, whether white or Native as above, failing to register a birth or death as above, shall be liable to a fine of five shillings, recoverable before any Court constituted within the Island of Niue.

14. Marriages between white people, or between white people and Natives, shall be performed by the resident minister, or the Registrar in the same manner as marriages between Natives: Provided that in the case of objections on behalf of either of the parties to the religious part of the ceremony, they may be married by the Resident Commissioner as Acting-Registrar in accordance with the law of New Zealand.

15. Any man or woman who is guilty of bigamy may be proceeded against in the Court on the application of the injured party, and, on conviction, may be sentenced to six months' hard labour.

The foregoing "Marriage and Registration Ordinance, 1904," was passed by the Niue Island Council on the twenty-eighth day of October, one thousand nine hundred and four, at Alofi, Niue.

TOGIA,
President of Council.

Approved.

C. F. MAXWELL,
Resident Commissioner, Niue.

[Assented to by the Governor, 28th June, 1905.]

ORDINANCE No. 5.—“ NIUE ISLAND EMIGRATION ORDINANCE,
1903.” *

Niue Island Council.

WHEREAS many able-bodied Natives of Niue are in the habit of emigrating to other islands of the Pacific for long periods, and leave their families destitute or insufficiently provided for: And whereas the Island of Niue sustains serious injury through the depletion of the best of its working population: It is considered expedient to impose restrictions upon emigration, with the object of restraining the practice to within reasonable limits:

Now, therefore, be it enacted by the Niue Island Council as follows:—

1. The Short Title of this Ordinance is “ The Niue Island Emigration Ordinance, 1903.”

Emigration of the Niue people to other places will only be allowed under the following conditions:—

2. No person under the age of sixteen years shall be capable of entering into any engagement with any white person to serve as a labourer for any term outside of Niue.

3. All persons desirous of hiring themselves as labourers outside of Niue shall appear before the Government Resident Agent and produce evidence of their age, of their free will in the matter, of their physical capacity (of which the Government Resident Agent shall be judge), that they are unmarried, or have made sufficient provision for their wives and families, and shall state if they understand the terms of agreement under which they hire themselves, and shall answer such questions as may be put to them by the Government Resident Agent.

4. No person, being a Native of Niue, shall hire himself for work in any place outside of Niue for a longer term than one year.

5. All agreements between employers and employees, being labourers engaged for work outside of Niue, shall be submitted to the Government Resident Agent and be subject to his approval. Labourers shall sign such agreement in the presence of the Government Resident Agent after the same has been first explained to them, and an assurance given by such labourers that they understand the terms of the agreement, of which a copy shall be filed in the office of the Government Resident Agent.

6. Every Native of Niue emigrating to any other part, not being under agreement of hire, shall produce to the Government Resident Agent a certificate from the Native Magistrate or policeman of his village that he had made sufficient provision for those that are dependant on him who remain behind. Failing such certificate, the emigrant shall not be entitled to a pass under the hand of the Government Resident Agent enabling him to proceed to his destination, which the Government Agent is hereby authorised to issue to each emigrant.

* Amended by Ordinance No. 14, 1904.

7. There shall be paid by any Native person leaving Niue for other islands a fee of four shillings each for the pass issued as above.

8. Any person making false statements in reference to anything required of him shall be refused a pass, and shall be liable to a term of labour with hard work on the Island of Niue for not exceeding one month.

9. Any master of a vessel carrying emigrants from the Island of Niue, or receiving such on board his vessel for the purpose of emigrating, unless such emigrant has a pass as above, shall be liable to a fine of one pound in each and every case, recoverable before the Court held by the Government Resident Agent sitting in the Island of Niue.

The foregoing "Niue Island Emigration Ordinance, 1903," was passed by the Niue Island Council on the twenty-fifth day of August, one thousand nine hundred and three.

TOGIA,

President of Niue Island Council.

Approved.

C. F. MAXWELL,

Government Resident Agent, Niue.

[Assented to by the Governor, 6th February, 1904.]

ORDINANCE No. 6.—"NIUE ISLAND IMPORTATION OF
SPIRITUOUS LIQUOR ORDINANCE, 1903."*

Niue Island Council.

WHEREAS it is essential to the welfare of the inhabitants of Niue Island that the importation of spirituous liquors should be controlled by the Niue Island Government: And whereas it is in the interests of all the inhabitants of Niue that drunkenness should be prevented and the evils attendant on the abuse of intoxicating liquor minimised:

Be it therefore enacted by the Niue Island Council as follows:—

1. The Short Title of this Ordinance is "The Niue Island Importation of Spirituous Liquor Ordinance, 1903."

2. From and after the date on which this Ordinance shall become law all wines, beer, or spirits imported into the Island of Niue shall be placed in the custody of the Collector of Customs, and after duty has been paid thereon shall be issued by him to the owners thereof, on the written order of the Government Resident Agent, in such quantities as the latter shall deem sufficient.

* This Ordinance is apparently not superseded by N.Z. Act, 1904, No. 42, sections 19-28, except in so far as any conflict or inconsistency exists.

3. It shall be illegal for any Native of Niue or of any other island of the Pacific to import into Niue any spirituous liquor of any kind whatsoever. All such liquors as are landed in Niue may be seized by the Collector of Customs or his appointees, and thereupon shall be destroyed. Any Native as above so offending shall be liable to a fine of not more than twenty pounds in addition to the loss of the liquor, or may in lieu thereof be condemned to hard labour for any term not exceeding six months.

4. It shall be illegal for any person to supply to any Native of Niue, or Native of other islands of the Pacific located in Niue, any spirituous liquor of any kind whatsoever, either by way of sale, barter, or gift. Any person so doing, or permitting any Native as above to obtain in any manner any such spirituous liquor, either on shore or on board vessels within three miles of the coast, shall, on conviction before the Government Resident Agent in his judicial capacity, be liable to a fine of not more than twenty pounds for each and every such offence; provided that in cases of medical necessity a limited quantity of spirituous liquor may be supplied to any Native on the written order of the Government Resident Agent.

5. If any person be accused of drunkenness, or indulges in intoxicating liquor to such an extent that his health and business is injuriously affected thereby, the Government Resident Agent may, upon complaint being made to him, inquire into the circumstances, and make an order under his hand prohibiting such person from obtaining further supplies of liquor.

6. Any person bringing liquor on shore from any vessel without complying with the provisions of section two hereof shall be liable, on conviction, to a fine not exceeding twenty pounds, and such liquor shall be seized by the police and confiscated.

7. All offences under this Ordinance may be punished by imprisonment with hard labour in default of payment of fine.

8. The Government Resident Agent may order a portion of any penalty recovered under this Ordinance to be disposed of as the interests of the Niue Island Government may demand.

The foregoing "Niue Island Importation of Spirituous Liquor Ordinance, 1903," was passed by the Niue Island Council at Alofi, Niue, this twenty-fifth day of August, one thousand nine hundred and three.

TOGIA,
President of Niue Island Council.

Approved.

C. F. MAXWELL,
Government Resident Agent, Niue.

[Assented to by the Governor, 6th February, 1904.]

ORDINANCE No. 7.—“ NIUE ISLAND ARMS ORDINANCE, 1903.”

Niue Island Council.

WHEREAS certain persons are in the habit of carrying concealed firearms, which are not used for the purpose of shooting or killing birds or other game, and by this means intimidate the peaceful subjects of His Majesty King Edward the Seventh who reside upon the Island of Niue :

Now, therefore, be it enacted by the Niue Island Council as follows :—

1. The Short Title of this Ordinance is “ The Niue Islands Arms Ordinance, 1903.”

2. From and after the date when this Ordinance shall become law any individuals carrying on their persons any rifle, revolver, or pistol (fowling-pieces excepted), without the written permission of the Government Resident Agent, shall be liable to a fine not exceeding five pounds, or, in default thereof, may be sentenced to three months' hard labour.

3. Any person selling; or giving to Natives of Niue, or half-castes living as Natives, any rifled arms, or ammunition for the same, shall be liable to a fine not exceeding ten pounds, or, in default thereof, may be sentenced to six months' hard labour.

4. All such arms and ammunition may be seized by the police on the written order of the Government Resident Agent or of a Native Magistrate and confiscated.

The foregoing Niue Island Arms Ordinance was passed by the Niue Island Council, at Alofi, this twenty-fifth day of August, one thousand nine hundred and three.

TOGIA,
President of Niue Island Council.

Approved.

C. F. MAXWELL,
Government Resident Agent, Niue.

[Assented to by the Governor, 6th February, 1904.]

ORDINANCE No. 8.—“ NIUE ISLAND PRIVATE DEBT
ORDINANCE. 1903.”

Niue Island Council.

WHEREAS the Native inhabitants of Niue Island have been allowed in the past to contract debts of such magnitude that it will be difficult or impossible for them to liquidate : And whereas the moral effect of such practice is extremely injurious to the welfare of the said Natives, and it is to their interests that this system of trading should cease forthwith :

Now, therefore, be it enacted by the Niue Island Council as follows :—

1. The Short Title of this Ordinance is “ The Niue Island Private Debt Ordinance, 1903.”

2. A debt incurred after the coming into operation of this Ordinance by any Native of Niue, or half-caste living as a Native, shall not be recoverable by any process of law known in the Island of Niue.

3. Contracts entered into by any chiefs or *patus*, for or on behalf of any family or section of people, may be enforced by either of the parties to the contract. Provided always that such contract shall have been entered into and signed in the presence of the Government Resident Agent, or in the presence of some person duly appointed by him for that purpose, and shall have been approved by the Government Resident Agent.

4. Debts contracted previous to the passing of this Ordinance may be sued for in the Court of the Government Resident Agent (hereinafter called "the Court").

5. When the aforesaid Court shall have granted a debt certificate to any suitor under section four of this Ordinance, it shall be the duty of the Native Magistrate of the district in which the debtor lives to inquire into the circumstances of the debtor, and recommend to the Court a reasonable arrangement for the payment of the debt.

6. The Court shall make such order for payment as shall seem just and reasonable, and, in default of payment, may order the debtor to be imprisoned with hard labour for any period not exceeding one calendar month for each default.

7. All moneys recovered under this Ordinance shall be paid in the manner directed by the Court.

The foregoing Private Debt Ordinance was passed by the Niue Island Council at Alofi, this twenty-fifth day of August, one thousand nine hundred and three.

TOGIA,

President of Niue Island Council.

Approved.

C. F. MAXWELL,
Government Resident Agent, Niue.

[Assented to by the Governor, 6th February, 1904.]

ORDINANCE No. 9.—“ NIUE ISLAND SITE FOR PUBLIC
BUILDINGS ORDINANCE, 1903.”

Niue Island Council.

WHEREAS by the ancient law of Niue no land could be alienated by sale to foreigners: And whereas it is expedient and necessary for the establishment of the Government of Niue Island, and for convenience in administering the said Government, that land should be acquired as a site for public and other buildings: And whereas a suitable section of land has been selected

in the Village of Alofi : And whereas the said section of land has been purchased from the acknowledged owners thereof for the sum of fifty pounds (£50), which sum was collected by public subscription by the Native people of Niue and paid by them to the said owners, who thereupon executed a deed of gift of the said section of land to His Majesty King Edward the Seventh :

Be it therefore enacted by the Niue Island Council as follows :—

1. The Short Title of this Ordinance is "The Niue Island Site for Public Buildings Ordinance, 1903."

2. The parcel of land at Alofi, Niue, known by the name of "Lialagi," the boundaries whereof are marked on the ground, and described in a certain "deed of cession" dated the twenty-eighth day of February, one thousand nine hundred and two, by virtue whereof Ikimata, Kilitaia, and Tuhega, admitted owners of the said land, do cede, convey, and assure, absolutely and without reserve, all their rights, title, estate, and interest in the said land, to His Majesty King Edward the Seventh : Now, therefore, the said Niue Island Council doth hereby ratify and confirm the cession of the said parcel of land to His Majesty the King, for himself, his heirs, and assigns, for ever.

The foregoing "Niue Island Site for Government Buildings Ordinance, 1903," was passed by the Niue Island Council, at Alofi, on the twenty-fifth day of August, one thousand nine hundred and three.

TOGIA,
President of Niue Island Council.

Approved.

C. F. MAXWELL,
Government Resident Agent, Niue.

[Assented to by the Governor, 6th February, 1904.]

ORDINANCE No. 10.—"NIUE ISLAND ORDINANCES
VALIDATION ORDINANCE, 1903."

Niue Island Council.

WHEREAS at a meeting of the Patuiki, chiefs, and people of the Island of Niue, at Alofi on the twenty-second day of October, one thousand nine hundred and one, a Council called the "Council of Niue" was elected, consisting of eleven members, with the Patuiki Togia as President : And whereas the said Council, with the approval of the Government Resident Agent, did then proceed to make certain Acts or Ordinances for the government of, and maintenance of order in, the Island of Niue : And whereas the several Ordinances have been acted upon and put in force by the several officers appointed under the aforesaid Ordinances ; And whereas certain sums of

money, being part of the public revenue of Niue, have been paid as salaries to the aforesaid officers in the belief that the system of government as then established was legal, and within the powers of the aforesaid Council: And whereas by reason of section four of "The Cook and other Islands Government Act Amendment Act, 1902," the proceedings of the said Council are *ultra vires*, and it is expedient to validate the same as hereinafter provided:

Now, therefore, be it enacted by the Niue Island Council as follows:—

1. The Short Title of this Ordinance is "The Niue Island Ordinances Validation Ordinance, 1903."

2. All proceedings taken under the aforesaid Ordinances are hereby validated, and all disbursements made for the purpose of carrying on the Government of the Island are hereby authorised as if the same had been made by the authority and with the sanction of the Niue Island Council, as duly constituted in accordance with "The Cook and other Islands Government Act, 1901," and its amendment.

3. All officers acting under the provisions of the said Ordinances are by this Ordinance protected and indemnified from any action which might result in consequence of the said proceedings.

The foregoing "Niue Island Ordinances Validation Ordinance, 1903," was passed by the Niue Island Council this twenty-fifth day of August, one thousand nine hundred and three.

TOGIA,

President of Niue Island Council.

Approved.

C. F. MAXWELL,
Government Resident Agent, Niue.

[Assented to by the Governor, 6th February, 1904.]

ORDINANCE No. 11.—"NIUE ISLAND WEEKLY HALF-HOLIDAY ORDINANCE, 1903."

Niue Island Council.

WHEREAS it is expedient that half a day in each week should be set apart by law as a public half-holiday: And whereas Wednesday afternoon appears to be most suitable and convenient for this purpose:

Be it therefore enacted by the Niue Island Council as follows:

1. The Short Title of this Ordinance is "The Niue Island Weekly Half-holiday Ordinance, 1903."

2. From and after this Ordinance shall have received the assent of the Governor of New Zealand, Wednesday afternoon in each week shall be regarded as a statutory half-holiday in the Island of Niue.

3. No trading establishment of any kind whatsoever shall remain open

after one p.m. on Wednesday afternoon aforesaid, or transact its usual business of buying and selling. Save and except when vessels are in port, when the persons interested may receive goods, and ship produce, &c., and do whatever may be necessary to insure speedy despatch of the said vessel or vessels.

4. Any infringement of the provisions of this Ordinance shall render the offender liable to a fine not exceeding two pounds.

The foregoing "Niue Island Weekly Half-holiday Ordinance, 1903," was passed by the Niue Island Council this twenty-fifth day of August, one thousand nine hundred and three.

TOGIA,
President of Niue Island Council.

Approved.

C. F. MAXWELL,
Government Resident Agent, Niue.

[Assented to by the Governor, 6th February, 1904.]

ORDINANCE No. 12.—"NIUE ISLAND TRADERS' LICENSE
ORDINANCE, 1904."

Niue Island Council.

WHEREAS it is deemed necessary for the protection of *bona fide* traders in Niue Island that a Traders' License Ordinance shall be passed:

Be it therefore enacted by the Niue Island Council with the approval of the Resident Commissioner for Niue as follows:—

1. The Short Title of this Ordinance shall be "The Niue Island Traders' License Ordinance, 1904."

2. This Ordinance shall be deemed to date from the first day of January, one thousand nine hundred and four, and shall not come into operation until assented to by His Excellency the Governor of New Zealand.

3. All persons trading in Niue, whether Europeans or others, shall pay the following annual license fees in advance:—

		£	s.	d.
4.	For every wholesale or retail trading-store ..	5	0	0
5.	For every branch store belonging to the same establishment	2	10	0
6.	Hawkers or pedlars	20	0	0
7.	Bakers, other than those employed by licensed stores	2	0	0
8.	Tea-shops or restaurants	1	10	0
9.	The Resident Commissioner for Niue may make such regulations and appointments as shall from time to time be found necessary for the proper			

administration of this Ordinance, and these regulations shall have the force of law, and form part of this Ordinance.

10. Any infraction of this Ordinance may be punished by a fine not exceeding five pounds.

The foregoing "Niue Island Traders' License Ordinance, 1904," was enacted and passed by the Niue Island Council at Alofi, this twenty-eighth day of October, one thousand nine hundred and four.

TOGIA,
President of Niue Island Council.

Approved.

C. F. MAXWELL,
Resident Commissioner.

[Assented to by the Governor, 28th June, 1905.

ORDINANCE No. 13.—"NIUE ISLAND SUPPRESSION OF
IMMORALITY ORDINANCE, 1904."

Niue Island Council.

WHEREAS it is expedient that action be taken to suppress immorality on Niue Island, and prohibit Native women from proceeding to vessels at the anchorages for immoral purposes :

Now, therefore, be it enacted by the Niue Island Council, with the approval of the Resident Commissioner, as follows :—

1. The Short Title of this Ordinance shall be "The Niue Island Suppression of Immorality Ordinance, 1904."

2. Any Native woman going off to a vessel at night for an immoral purpose, and passing the night or part of the night on board, shall be classed as a common prostitute, and, upon conviction before the Native Magistrate or Resident Commissioner, may be fined a sum not exceeding two pounds, or, in default of payment thereof, sentenced to twenty days' labour weeding roads, or to make hats or mats to the amount of the fine.

3. Any person assisting or inducing any Native woman to go on board a vessel for an immoral purpose may be fined not exceeding two pounds, or, in default thereof, sentenced to twenty days' hard labour on the roads.

4. Youths and young women convicted of immorality may be sentenced to weed not exceeding fifty fathoms each of the public roads.

5. Any man or woman suffering from venereal disease, who shall wilfully have sexual intercourse with other men or women in sound health, and cause them to be become infected with the disease with which they are suffering, shall be liable on conviction to a penalty not exceeding three months' hard labour on the roads, without the option of a fine, in the case of a male, and to weed the roads for two months, or make hats or mats to the value of three pounds, at the discretion of the Magistrate, in the case of a female.

6. Native women cohabiting with Europeans or others shall be liable to a task of weeding roads, to be determined by the Native Magistrate, and imposed from time to time if the offence is repeated. Such task not to exceed fifty fathoms of road.

Enacted and passed by the Niue Island Council, this twelfth day of March, one thousand nine hundred and four.

TAGAVAITOA,
Acting President of Council.

Approved.

C. F. MAXWELL
Resident Commissioner.

[Assented to by the Governor, 26th August, 1904.]

ORDINANCE No. 14.—“ NIUE ISLAND EMIGRATION ORDINANCE
1903 AMENDMENT ORDINANCE, 1904.”

Niue Island Council.

WHEREAS it is expedient to regulate the enlistment of Natives of Niue as labourers for other islands of the Pacific, and to provide regulations defining the conditions under which such labourers may be recruited, together with the rate of pay, and other matters affecting their welfare :

Be it enacted by the Niue Island Council as follows :—

1. The Short Title of this Ordinance is “ The Niue Island Emigration Ordinance 1903 Amendment Ordinance, 1904.”

2. In order to prevent disputes and possible breaches of the peace, it is hereby enacted that in addition to any regulations contained in the “ Emigration Ordinance, 1903,” no Natives of Niue shall enter into any agreement with any person to labour in any place outside of Niue for a lower rate of payment than the following, namely : In Malden Island, two pounds per month, with adequate rations ; in all islands belonging to Lever’s Pacific Plantations, Limited, two pounds per month, with adequate rations ; in all other places beyond the boundaries of New Zealand, two pounds ten shillings per month, with adequate rations. Wages to commence upon arrival at their destination, and cease on date of departure.

3. Wages shall be paid in cash, labourers to be permitted to purchase goods at the store of their employer, but such purchases shall be entered in a pass-book, which shall be produced to the Resident Commissioner for Niue by the master of the vessel which returns the labourers to their homes, and any balance of wages due shall be paid to them after their arrival and in the presence of the Resident Commissioner aforesaid, or some officer appointed by him.

4. The master of a vessel recruiting labour shall contract to return the labourers to their island at the expiration of their term of service. If from any cause they are detained after their term of service has expired, they shall be paid ten shillings per month in addition to their wages for the time they are so detained.

5. Masters of vessels will not be permitted to take large numbers of Natives as passengers to other islands for the purpose of entering into a contract with them, thereby evading the provisions of this Ordinance, and, when there is reasonable ground for suspecting such intention, passes shall not be issued to such Natives by the Resident Commissioner.

6. No gang of labourers shall exceed sixty men.

7. The Resident Commissioner for Niue shall decide whether any vessel is suitable for the purpose of carrying labour, also whether sufficient provision has been made for their accommodation.

8. Any master of a vessel who shall infringe any of the provisions of this Ordinance shall be guilty of an offence, and, upon conviction before the Court held by the Resident Commissioner, shall be liable to a fine not exceeding twenty pounds.

The foregoing "Niue Island Emigration Ordinance 1903 Amendment Ordinance, 1904," was enacted and passed by the Niue Island Council at Alofi, Niue, this twenty-eighth day of October, one thousand nine hundred and four.

TOGIA,

Approved.

President of Council.

C. F. MAXWELL,
Resident Commissioner, Niue.

[Assented to by the Governor, 28th June, 1905.]

(b.) *Rarotonga.*

RAROTONGA ISLAND COUNCIL.—LOCAL ORDINANCE No. 1.*

[Whereas for many years past the laws relating to the sale of intoxicating liquor in the Island of Rarotonga have been in doubt and unsatisfactory: And whereas, in spite of restriction to the contrary, intoxicating liquor has continued to be sold to, and drunk by, many of the Natives of Rarotonga, to the detriment of the moral and physical welfare of the said Natives: And whereas there has been up to the present want of a properly conducted house for the accommodation of travellers and tourists to the said island and other people: And whereas it is desirable that the importation to and sale of intoxicating liquor in the said island should be further regulated, and be under Government supervision, and

* This Ordinance was not assented to.

that there should be in the said island a properly conducted house for the accommodation of travellers, tourists, and others :

Be it therefore enacted by the Island Council of Rarotonga as follows :—

1. The Short Title of this Ordinance is “The Importation and Sale of Intoxicating Liquor Ordinance, 1902.”

2. From and after the date on which this Ordinance shall come into operation no person shall, except as hereinafter provided, import into or sell in the Island of Rarotonga any beer, wine, spirits, or other intoxicating liquor. Any person infringing the provisions of this section shall be liable, on conviction, to a penalty not exceeding one hundred pounds.

3. Any person who may have or who may erect on a site in Avarua, in the said Island of Rarotonga, to be approved of by the Resident Commissioner and the Island Council of Rarotonga, a house or building containing fit and proper accommodation for the board and lodging of not less than eight persons, exclusive of the accommodation required for such person first mentioned or his manager, and his family and servants, may apply to the Resident Commissioner and the said Island Council for a license to import into and sell in the Island of Rarotonga wine, beer, spirits, and other intoxicating liquor.

4. The Resident Commissioner and the said Island Council, if satisfied with the suitability of such applicant and of the said house and building, may grant such license to such applicant, subject to such conditions in addition to those imposed by the Ordinance as the Resident Commissioner and the said Island Council may think fit.

5. Such license may be for a period not exceeding ten years, and there shall be paid into the public revenue of the Cook Islands an annual fee of twenty-five pounds for such license.

6. For a period of ten years from the coming into operation of this Ordinance there shall not be granted more than one such license.

7. The grant of such license shall imply the following conditions binding the licensee :—

- (1.) That all wine, beer, and spirituous liquor for sale by the licensee shall be of good quality, and shall be sold at a reasonable price.
- (2.) That all liquor sold or exposed for sale under any brand or trademark shall be the genuine liquor to which such brand or trademark refers.
- (3.) That no liquor shall be sold between the hours of ten p.m. and seven a.m.
- (4.) That no liquor shall be sold on Sundays except to bona fide lodgers in the said house.
- (5.) That no person in a state of drunkenness, nor any person against whom a prohibition order has been issued, as hereinafter provided, shall be served with intoxicating drink, nor shall any person in a state of drunkenness be allowed to remain in any part of the said house.

(6.) *That any person authorised by the Resident Commissioner may, at any reasonable time, be permitted to enter into the said house for the purpose of inspecting any liquor exposed for sale, and such person may take samples of such liquor for the purpose of testing the same.*

(7.) *That any barman or other person appointed by the licensee for the purpose of selling liquor shall be approved of from time to time by the Resident Commissioner, and shall be subject to removal at the request of the Resident Commissioner.*

(8.) *That the licensee shall be responsible for the act or acts of any servant or servants in contravention of the license and the conditions under which the same is granted.*

(9.) *That no spirituous liquor shall be sold to any Native except upon the written order of the Government Medical Officer: Provided that a limited quantity of beer or wine shall be allowed to be sold to any Native, such limit to be defined by regulation made by the said Island Council.*

(10.) *That if there shall be any breach by the licensee or his servant or servants of the conditions of the license, the same shall be an offence against this Ordinance, and the said licensee shall be liable on conviction to a fine not exceeding twenty pounds. If the said licensee shall be three times convicted of any offence under this Ordinance his license shall be liable to forfeiture by the Resident Commissioner.*

8. *Any license granted under the provisions hereof may be transferred with the sanction of the Resident Commissioner and the said Island Council.*

9. *Immediately after the date on which this Ordinance shall come into operation the Collector of Customs may take possession of all intoxicating liquor on the Island of Rarotonga, and may pay such compensation therefor to the owners thereof as shall be arranged between the said Collector of Customs and the said owners: Provided that any person being in possession of liquor as aforesaid may export same if he objects to the compensation offered: Provided also that the Collector of Customs may refuse to take over any liquor which in his opinion is unsaleable.*

10. *An order prohibiting the supply of intoxicating liquors to any person, whether European or Maori, may be granted by the High Court of the Cook Islands upon due cause being shown and may thereafter be revoked; the Registrar of the High Court shall forthwith forward to the licensee a notice of the said order or of any revocation thereof having been made.*

11. *Any person who shall distil or manufacture any intoxicating liquor other than orange, banana, or pine-apple beer, shall be liable on conviction to a penalty not exceeding one hundred pounds, or, in default, twelve months' hard labour.*

12. *All informations and complaints under this Ordinance shall be heard before the High Court of the Cook Islands. All penalties recovered hereunder*

shall be paid into the public revenues of the Cook Islands, but the Court may order portion of such penalty to be paid to any person or persons.

13. This Ordinance shall come into operation by proclamation of the Resident Commissioner in the Cook Islands Gazette not less than three months after the Governor shall have assented to the same.

Passed this eighth day of November, one thousand nine hundred and two.

S. Savage,
Clerk to Council.

Makea. Pa.
Ngamaru. Karika.
Tinomana.]

RAROTONGA COUNCIL ORDINANCE No. 2.—AN ORDINANCE
TO CONSERVE THE COAST FORESTS OF RAROTONGA.

WHEREAS certain persons have sold timber growing on land situated between the coast road and the lagoon, and this timber has been cut without the knowledge of the Ariki, and contrary to the old law of the land, and to the injury of those cultivating the adjacent land: And whereas these lands have for more than twenty years been recognised as under the special control and mana of the district Ariki, and it is desirable that the coast shelter should be rigidly conserved.

Be it enacted by the Island Council of Rarotonga:—

1. The Short Title of this Ordinance shall be "The Coast Timber Conservation Ordinance, 1902."

2. From and after the date of this Ordinance it shall not be lawful for any landholder to cut or sell any tree growing on land situated between the sea and the coast road known as the Purumu, nor shall it be lawful to exercise any act of ownership on the land as aforesaid except under the written permission of the district Ariki and the Resident Commissioner. Any act in contravention of this Ordinance shall be punishable by a fine of not exceeding ten pounds, or in default four months' hard labour.

3. All offences under this Ordinance shall be heard and determined by the High Court.

Passed this eighth day of November, one thousand nine hundred and two.

S. SAVAGE,
Clerk to Council.

MAKEA. PA.
NGAMARU. KARIKA.
TINOMANA.

[Assented to by the Governor, 12th December, 1902.]

**RAROTONGA COUNCIL ORDINANCE No. 3.—AN ORDINANCE TO
REGULATE THE ERECTION AND REPAIR OF DIVIDING-
FENCES ON LANDS IN THE OCCUPATION OF EUROPEANS.**

BE IT ENACTED by the Island Council of Rarotonga :—

1. The Short Title of this Ordinance is “The Fencing Ordinance, 1903.”
2. Any one of the fences mentioned in Schedule A hereof shall be a sufficient fence within the meaning of this Ordinance.
3. Subject to the provisions of this Ordinance the European occupiers of contiguous lands not divided by a sufficient fence are liable to join in or contribute in equal proportions to the erection of a fence between such lands.
4. Where any European occupier of land shall have erected a sufficient fence, and any contiguous land shall, at the date of this Ordinance, or shall thereafter, be occupied by any European, such last-mentioned European shall be liable to pay to such first-mentioned European one-half of the value of such fence at the date of the service of the notice hereafter mentioned, or at the date after the erection of the fence when the contiguous lands were both held by European occupiers.
5. Any European occupier desiring to compel any other European occupying contiguous lands to contribute towards the erection of a fence under this Ordinance must serve on him a notice to fence. Such notice shall be in the form or to the effect of Schedule B hereto, and shall specify the boundary to be fenced and the kind of fence proposed to be erected.
6. If the receiver of a notice to fence objects to any of the proposals therein contained, he may within fourteen days after the service of such notice serve on the giver a cross-notice specifying such objection and making counter-proposals to fence. Such cross-notice shall be in the form or to the effect of Schedule C hereto. If he fails to serve such cross-notice within the said period of fourteen days he shall be deemed to have agreed to the proposals contained in the notice served upon him.
7. Any European occupier desiring to compel the European occupant of any contiguous lands to pay one-half the value of any dividing-fence under the provisions of section four hereof must serve on such last-named European occupier a notice in the form or to the effect of Schedule D hereof.
8. If the receiver of such notice under the preceding section objects to the amount claimed as half of the value of the fence, or if he has any other objection to the matter, he may within fourteen days after the service of such notice serve on the giver a cross-notice in the form or to the effect of Schedule E, specifying the amount that he is willing to pay as half value of the fence, or specifying any other objection. If he fails to service such cross-notice within the said period of fourteen days he shall be deemed to have agreed to the amount claimed in the notice served upon him.

9. If notices to fence have been duly served by both parties and the proposals therein do not correspond, or if a notice and cross-notice have been served then (unless within fourteen days after the service of the last of the said notices the parties can agree) the question in dispute shall be determined by a Judge.

10. If any European owner shall desire to erect a dividing-fence of a description different from any fence mentioned in Schedule A hereto, he shall give notice as hereinbefore provided, and if the person served with such notice shall not within fourteen days of the service of such notice object in writing to the description of fence proposed to be erected, then the person giving such notice may proceed to erect such fence accordingly, and such fence shall be deemed to be a sufficient fence within the meaning of this Ordinance, and in case of objection made the question in difference shall be determined by a Judge.

11. If any European person becomes the occupier of any land separated from any contiguous land by a fence made by the European owner of such contiguous land such person shall be subject to the same liabilities in respect of such fence as his predecessor was subject to under the relinquished occupation.

12. Where a fence is made of posts and rails or wire or palings the posts of such fence shall be placed on the boundary-line, or as near thereto as shall be practicable.

13. Where any fence is out of repair the European occupiers of the contiguous lands shall bear the cost of repairing such fence in equal proportions.

14. The occupier desiring to repair any fence may serve a notice upon the contiguous occupier requiring him to assist in repairing such fence, and if such occupier refuses or neglects so to do for the space of one week after the service of such notice such first-mentioned occupier may himself do the work and recover half the cost thereof from the occupier making default.

15. If a fence is damaged or destroyed by sudden accident or other cause and requires immediate repair, the occupier of the land on either side may repair the same without any notice, and, subject to the provisions of the next succeeding section, may recover half of the cost thereof from the contiguous occupier.

16. If by reason of the neglect or default of any occupier any fence is damaged or destroyed, whether by stock, or fire, or the falling of a tree, or otherwise howsoever, such occupier shall be liable for the whole cost of repairing the fence so damaged or destroyed.

17. A Judge shall have jurisdiction to hear and determine all questions and disputes under this Ordinance, and all moneys recoverable under this Ordinance may be sued for and recovered in the High Court of the Cool Islands.

18. Any notice under this Ordinance to be served upon any person may be served—

- (a.) Either personally, or by leaving the same at, or posting the same in a registered letter addressed to, such person's last-known place of abode or business, Rarotonga.
- (b.) If such person is absent from Rarotonga, then by similarly serving the notice upon his known agent or attorney.
- (c.) If there is no known agent or attorney, then by publishing a copy of such notice in the *Cook Islands Gazette*, and affixing a copy of such notice upon a conspicuous part of the land, or on some public road adjacent thereto.

19. In this Ordinance, if not inconsistent with the text,—

- “European” shall mean all persons other than aboriginal Natives, and includes all half-castes living as Europeans :
- “Fence” means a sufficient fence of any of the kinds mentioned in Schedule A separating the lands of different occupiers, and includes all necessary gates, culverts, and channels :
- “Judge” means a European Judge of the High Court of the Cook Islands :
- “Occupier” includes any European person who is in occupation of or entitled to occupy any land.

SCHEDULE A.—DESCRIPTION OF SUFFICIENT FENCE.

(a.) A post-and-rail fence not less than 3 ft. 9 in. in height, of substantial material, firmly erected with not less than three rails, the space between the bottom rail and the ground not to exceed 5 in., and the posts not more than 9 ft. apart.

(b.) A substantial wire fence having not less than three wires tightly stretched and stapled, posts of durable wood well and substantially erected ; the posts or standards not to be more than 9 ft. apart, top wire not to be less than 3 ft. 9 in. from the surface of the ground ; the wires to be not lighter than No. 8, in steel, black, or galvanised wires.

(c.) Any paling fence at least 3 ft. 9 in. high with posts and two rails, and having split or sawn timber placed perpendicularly and well nailed to both rails, there being not more than 4 in. of opening between each perpendicular piece of timber.

(d.) A stone wall well and substantially built, limed, plastered, or cemented over, not less than 4 ft. in height, and not less than 2 ft. in width at base.

(e.) Any other description of fence mutually agreed upon in writing by the persons interested.

[NOTE.—(c) and (d) shall apply only to lands within any settlement used for residential or business purposes.]

SCHEDULE B.—NOTICE TO MAKE FENCE.

To C. D., occupier [*or agent of occupier*] of [*Describing contiguous land*].
TAKE notice that I desire that a fence between [*Describing the lands*] be made on or before the day of , 190 , and propose that such fence shall be a [*Describe the fence*].

Dated the day of , 190 .

A. B., Occupier [*or, &c.*].

SCHEDULE C.—CROSS-NOTICE.

To A. B., occupier of [Describing adjoining land].

TAKE notice that I object to your notice to fence, dated the day of , 190 , in as far as it does not correspond with the proposal that I now make, to wit, that a fence between [Describe the lands] be made on or before the day of , 190 , and that such fence shall be [Describe fence].

Dated the day of , 190 , C. D., Occupier [or, &c.].

SCHEDULE D.—NOTICE CLAIMING HALF VALUE OF FENCE ALREADY ERECTED.

To C. D., occupier [or agent of occupier] of [Describe contiguous land].

TAKE notice that I claim , being one-half the value of the fence between [Describe land].

Dated the day of , 190 , A. B., Occupier [or, &c.].

SCHEDULE E.—CROSS-NOTICE.

To A. B., occupier [or, &c.].

TAKE notice that I object to the amount of demanded by you as half value of the fence between [Describe land]. I am willing to pay the sum of for the same [or I object (Here state any objections)].

Dated this day of , 190 , C. D., Occupier [or, &c.].

Passed this twentieth day of July, one thousand nine hundred and three.

S. SAVAGE,
Clerk to the Council.

W. E. GUDGEON,
Resident Commissioner.

[Assented to by the Governor, 31st August, 1903.]

RAROTONGA COUNCIL ORDINANCE No. 4.—AN ORDINANCE TO
REGULATE THE SALE OF SPIRITUOUS LIQUOR WITHIN THE
ISLAND OF RAROTONGA.*

BE IT ENACTED by the Island Council of Rarotonga,—

1. The Short Title of this Ordinance is “The Sale of Spirituous Liquor Restriction Act, 1904.”

2. From and after the date on which this Ordinance shall become law, the importation of beer, wine, and spirits shall, so far as private enterprise is concerned, cease absolutely; but it shall be lawful for the Collector of Customs, with the approval of the Resident Commissioner, to import such

* This Ordinance is apparently not superseded by N.Z. Act, 1904, No. 42, ss. 19-28, except in so far as any conflict or inconsistency exists.

spirituous liquor as may be necessary to carry out the provisions of this Ordinance.

Any one who shall infringe the provisions of this section shall be liable, on conviction, to a fine of not exceeding one hundred pounds sterling.

3. Immediately after the date on which this Ordinance shall come into operation, the Collector of Customs may take possession of all the intoxicating liquor on the Island of Rarotonga, and may pay such compensation to the owners thereof as may be arranged between the said owners on the one part and the Collector of Customs acting for the Government on the other.

Provided always that the owner of any of the liquor as aforesaid may re-export the same if he objects to the compensation offered.

Provided also that the Collector of Customs may refuse to take over any liquor which in his opinion is unsaleable, or of inferior quality.

4. The Collector of Customs at the Port of Rarotonga shall be the officer to administer this Ordinance.

Provided always that should a boardinghouse be erected for the accommodation of visitors to these islands, the Resident Commissioner may appoint the owner or manager of such house to sell liquor on behalf of the Government, subject to such regulations as may be necessary, and may authorise that the liquor be sold in the accommodation-house aforesaid, and, further, may pay a salary to the person authorised to sell liquor as a Government servant.

5. In order to give effect to this Ordinance, the Resident Commissioner may make regulations and do all things necessary to secure the proper administration of the Ordinance, and shall report annually to the Minister in Charge of the Islands the steps taken and profits made during the year.

All regulations made and gazetted in the *Cook Islands Gazette* shall have force of law, and any breach thereof shall be punishable under this Act.

6. No spirituous liquor shall be sold or given to any Native Polynesian except on the written authority of the Resident Medical Officer, and for the purposes of this Ordinance all Chinamen shall be deemed to be Native inhabitants of Rarotonga.

7. All offences under this Act shall be heard in the High Court of the Cook Islands, and this tribunal may issue prohibition order against any person on cause being shown.

8. Notwithstanding anything contained in section two of this Ordinance, the Collector of Customs may grant permission to any trader of good character to import and sell the light wine known as "claret."

Provided that each and every shipment shall be placed in the bond and issued thence by the Collector as required; that not more than six bottles nor less than one of such claret shall be sold to any person at one time except by permission of the Collector of Customs, and that each sale shall be

recorded in a book to be kept by the trader ; that no claret shall be sold to any person prohibited under sections six and seven of this Ordinance.

9. Any person who shall manufacture the liquor known as "bush beer," or shall in any way aid or abet in the manufacture or drinking of the same, shall, on conviction, be liable to a penalty of not exceeding five pounds sterling.

10. Any person who shall distil or manufacture any intoxicating liquor other than bush beer, or shall aid or abet in the distillation thereof shall, on conviction, be liable to a fine of not exceeding one hundred pounds sterling.

11. Any person evading or attempting to evade any of the provisions of this Ordinance, or any regulations made thereunder for which no penalty has been provided, shall, for each offence, be liable to a fine of not exceeding twenty pounds or, in default, six months' hard labour.

12. All offences under this Ordinance may be punished by imprisonment with hard labour in default of payment of fine.

Passed this eighth day of February, one thousand nine hundred and four.

S. SAVAGE,
Clerk to Council.

[Assented to by the Governor, 5th July, 1904.]

RAROTONGA LOCAL ORDINANCE No. 5.—AN ORDINANCE TO
REGULATE MATTERS IN THE ISLAND OF RAROTONGA.

BE IT ENACTED by the Island Council of Rarotonga as follows :—

1. The Short Title of this Ordinance shall be "The Rarotonga Regulations Ordinance, 1904."

REGULATION OF TRAFFIC.

2. Every person driving a vehicle or riding a horse or bicycle shall keep to the left side of the road when passing a vehicle, horse, or bicycle, coming in the opposite direction.

3. Every person driving a vehicle or riding a bicycle shall exhibit a light between the times of half an hour after sunset and half an hour before sunrise. Every person riding a bicycle in the daytime shall ring a bell when approaching and passing any other person, bicycle, or vehicle.

4. No person shall drive a vehicle or ride a horse or bicycle within the boundary of any settlement at a greater speed than seven miles an hour.

REGULATION OF TEA-SHOPS, DANCING, ETC.

5. All tea-shops shall be closed between the hours of nine at night and six in the morning, and no business shall be done by the licensee or his servants in such tea-shop between such hours.

6. No person other than the licensee or his servants shall remain in any tea-shop between the said hours of nine at night and six in the morning. No child under the age of thirteen years shall remain in any tea-shop except for the purpose of obtaining refreshment, and any child remaining in any tea-shop except for such purpose may be removed therefrom by any member of the police.

7. No Native singing, dancing, drum-playing, or other form of rekareka or tangi, shall take place or be held without the written permission of the Ariki of the district after the hour of nine at night.

SANITARY REGULATION.

8. Every householder shall keep clean his yard and ground around the house, and all accumulations of refuse and rubbish shall be destroyed by fire. Any refuse or rubbish which cannot be destroyed by fire shall be buried in the ground. Any member of the police may at any hour during the daytime enter any yard or ground for the purpose of seeing that the provisions of this regulation are carried out.

PENALTY FOR OFFENCES.

9. Any person contravening any of the provisions of this Ordinance shall be liable to a penalty not exceeding two pounds or, in default of payment, twenty-eight days' hard labour.

10. Any complaint under this Ordinance may be heard before the High Court of the Cook Islands or before the Ariki's Court in the district where the offence was committed.

Passed by the Rarotonga Island Council, this seventeenth day of October one thousand nine hundred and four.

W. E. GUDGEON,
President, Federal Council.

S. SAVAGE,
Clerk to Council.

[Assented to by the Governor, 5th September, 1905.]

(c.) *Aitutaki.*

No. 1.—AN ORDINANCE TO REGULATE VILLAGE LIFE IN AITU-TAKI. (18th June, 1902.)

BE IT ENACTED by the Island Council of Aitutaki :—

1. The Short Title of this Ordinance is “The Village Regulation Ordinance, 1902.”

2. A curfew bell shall be sounded in each of the Aitutaki villages at nine p.m. every evening, after which bell all beating of drums and other loud noises shall cease, and the villagers retire to their houses: Provided always that this section shall not be deemed to apply to those who have a valid excuse for being abroad after nine p.m.: Provided also that the President of the Island Council may grant permission to any “tarekareka” or entertainment to be extended to midnight.

3. It shall be the duty of the police to see that the provisions of this Ordinance are strictly observed. Any person offending against the provisions of section two, or obstructing the police in the execution of their duty, shall be liable on conviction to a fine of not exceeding twenty shillings, and in default of payment to twenty days’ hard labour.

4. Within one month after the publication of this Ordinance in the *Cook Islands Gazette* all owners of cattle on the Island of Aitutaki shall register, in the office of the Resident Magistrate, the colour, marks, brands, and ages of the cattle owned by them or under their charge; and a return of this nature shall be furnished yearly thereafter in the month of June in each year.

5. It shall not be lawful to tether cattle within the village enclosure unless the written permission of the President of the Council shall first have been obtained, and no beast shall be tethered in such a position that it can reach nearer than ten feet to the public thoroughfare. The President may revoke any permission that he may have given under this section.

6. No cattle shall be allowed to run loose on any part of Aitutaki, except in the Lagoon side enclosure. Any person infringing the provisions of this and the two preceding sections shall be liable to a fine of not exceeding twenty shillings for each offence.

7. Except with the permission of the Island Council, no human corpse shall be buried in any place other than a burial-ground recognised by the Native inhabitants as such, or reserved or set apart by them or some duly constituted authority as a burial ground. Any person infringing this section shall be liable on conviction to a penalty not exceeding twenty shillings.

8. Any person found playing for money, whether by cards or any other game, within the precincts of a village shall be liable on conviction to a penalty of not exceeding twenty shillings. Any owner or occupier of a house or premises situate in any village who shall permit or allow gambling or

playing for money in such house or upon such premises shall be liable to a penalty of not exceeding twenty shillings.

9. The President of the Island Council may, by notice in writing, direct the owner or occupier of any house or other building in a dirty or unwholesome state to clean or cause the same to be cleaned within a time specified in such notice. And if, after the service of such notice upon him, any person shall refuse or neglect to comply with such notice, he shall be liable to a penalty not exceeding twenty shillings.

10. No nightsoil, refuse, or offensive rubbish shall be cast, or deposited, or allowed to flow into any spring, stream, or watercourse that flows through or past any Native village, and which is used as a water-supply by the inhabitants of such village. All refuse as aforesaid shall be buried in the earth without delay. Any offender against this section shall be liable to a fine not exceeding twenty shillings.

11. Except with the permission of the President of the Island Council, no guns shall be fired within the limits of any Native village between the hours of nine p.m. and six a.m. Any offender against the provisions of this section shall be liable to a penalty of not exceeding ten shillings.

12. And whereas many women of Aitutaki are in the habit of deserting their families by stowing away on board of trading-schooners, and it is expedient that some restraint should be placed on the visits of such women to trading schooners: From and after the passing of this Ordinance it shall not be lawful for any women to visit a trading-schooner or other vessel unless provided with a pass signed by the Resident Magistrate of the island. Any master or officer in charge of a vessel who shall permit a woman to come on board such vessel shall be liable to a fine of not exceeding two pounds sterling. Any woman offending under this section shall be liable to a fine of not exceeding ten shillings; and any person who shall aid or abet her in breaking the provisions of this section shall be liable, on conviction, to a fine of twenty shillings, and, in default of payment, twenty days' hard labour.

[Assented to by the Governor, 25th August, 1902.]

**No. 2.—AN ORDINANCE TO LICENSE AND REGULATE THE USE
OF BICYCLES ON THE ISLAND OF AITUTAKI.**

WHEREAS the use of bicycles on the narrow public thoroughfares of Aitutaki is fraught with considerable inconvenience and risk, several accidents having resulted therefrom to the inhabitants of the island:

Be it enacted by the Island Council of Aitutaki:—

1. The Short Title of this Ordinance is "The Bicycle Ordinance of Aitutaki, 1903."

2. Within one month from the notification in the *Cook Islands Gazette*

of the assent of the Governor of New Zealand to this Ordinance, every user of a bicycle on the Island of Aitutaki shall obtain a license for such bicycle from the President of the Island Council, and pay therefor a license fee of two shillings and sixpence; this also shall apply to every bicycle brought to Aitutaki thereafter, the fee in the latter case to be paid before the bicycle is removed from the custody of the Customs Officer. The said license shall remain in force till the end of the current year, and shall be renewable during the first week in January in each succeeding year; all license fees not paid within the times specified in this Ordinance may be recovered by suit in the Aitutaki Resident Magistrate's Court, with costs of Court added.

3. Every rider of a bicycle shall sound his or her bicycle-bell continuously when approaching any person. Every bicycle in motion shall also carry a lighted lamp after sundown.

When two bicycles approach each other from opposite directions each shall go to its own proper left in order to avoid a collision. When one bicycle overtakes another on the road, the one overtaking shall turn aside if necessary in order to pass the one in front.

Any rider of a bicycle who fails to observe the above precautions shall be liable to a fine not exceeding ten shillings, and be further liable for any damage caused by him or her to person or property through carelessness or neglect of the above precautions.

The above draft Ordinance was approved unanimously by the Aitutaki Island Council at its sittings on the eleventh March, one thousand nine hundred and three, and passed.

JNO. T. LARGE,
President and Secretary.

[Assented to by the Governor on the 19th October, 1903.]

(d.) *Manihiki.*

NO. 1 OF 1902.—AN ORDINANCE TO REGULATE VILLAGE LIFE
WITHIN THE ISLAND OF MANIHIKI. (25th October, 1902.)

BE IT ENACTED by the Island Council of Manihiki:—

1. The Short Title of this Ordinance shall be "The Manihiki Ordinance No. 1."

2. The ancient law of Manihiki as to dogs is hereby re-enacted. Any dogs now on the island shall be destroyed at once by the owner or police, and any person hereafter importing a dog shall be liable to a fine of not exceeding ten shillings, and the Court shall order such dog to be destroyed by the police.

3. It shall not be lawful to allow pigs to wander at large. The owner of any pig who shall be guilty of an offence against this section shall be liable to a fine of not exceeding five shillings, in addition to the cost of any damage done by the said pig. In any case where the owner of a wandering pig cannot be ascertained, the pig shall be killed.

4. Any person wandering about after nine p.m. may be arrested and taken to the Courthouse, where he may explain his reasons for being abroad. The Island Magistrate may fine any offender under this section not exceeding two shillings.

5. The ancient right of *rahui* shall devolve upon the Island Council of Manihiki, and, subject to the approval of the Resident Commissioner, the said Council may impose such restrictions upon the gathering and sale of cocoanuts as they shall deem advisable in order to prevent theft, and to enable the widows and weaker members of the community to gather their nuts without hindrance.

6. Any regulations made under section five of this Ordinance shall have the force of law, and any infraction thereof may be punished by a fine of not exceeding twenty shillings.

7. During the existence of a *rahui* it shall not be lawful to trade in or sell nuts except at the village mart, in the presence of the island authorities. Any offence against this section may be punished by a fine of not exceeding ten shillings.

8. Whereas thousands of green cocoanuts are wasted yearly on the occasions of births, deaths, and marriages, and the building of houses: it is hereby enacted that from the date of this Ordinance not more than one thousand nuts shall be gathered for any such occasion, and the green nuts aforesaid shall be gathered under the supervision of the police. Any offence against this section shall be punished by a fine of not exceeding five pounds.

9. Any person found trespassing on the land of another, and who shall be unable to show sufficient reason for such trespass, shall be liable to a fine of not exceeding forty shillings; and any one trespassing on land under *rahui* may be prosecuted by order of the President of the Island Council, and shall be liable to the above fine.

10. From and after the passing of this Ordinance no debt incurred by any Native inhabitant of Manihiki shall be recoverable in any Court, except such debts as shall have been incurred previous to that date, which may be recovered by process of law within twelve months from the first day of January, one thousand nine hundred and three.

11. Any person who shall sell or give any intoxicating liquor to any Native inhabitant of Manihiki shall be liable on conviction to a fine of not exceeding ten pounds: Provided always that the Island Council may at any time authorise the issue of either spirits, beer, or wine in limited quantities for the use of a sick person.*

* See also N.Z. Act, 1904, No. 42, secs. 19-28.

12. Any person found guilty of the offence of drunkenness shall be liable to a fine of not exceeding twenty shillings.

13. Any person committing adultery shall be liable to a fine of not exceeding twenty shillings.

14. Any unmarried man or woman offending against the laws of property or decency may be fined not exceeding four shillings.

15. The crime of rape shall in all cases be tried before the High Court.

16. Any person fighting in the streets of the village or otherwise breaking the Sabbath shall be liable to a fine of not exceeding ten shillings.

17. In any case where it shall have been proved before the Island Courts that property has been stolen or destroyed, or that stones have been thrown at houses with intent to injure or annoy the owners thereof, and there is reasonable cause to believe that the offenders are either screened or protected by the people of the Oire, such case shall be reserved to be decided by the Judge of the High Court.

18. Any person who shall be convicted of having committed either of the offences mentioned in section seventeen may be fined not exceeding twenty shillings, in addition to the damages awarded by the Court.

19. All the offences under this Act, save and except that mentioned in section fifteen, may be heard and determined by the Native Judges of Manihiki, and in every instance hard labour given, in default of payment, at the rate of one day for each shilling of the fine. Prisoners may be employed in any work of public utility, including the clearing of land of the surplus cocoa-palms.

Drafted by me at the request of the President of the Island Council of Manihiki from the Council resolutions recorded in the minute-book of that body.

W. E. GUDGEON,

7th January, 1903.

Resident Commissioner.

H. WILLIAMS,

President, Island Council of Manihiki.

I, Henry Williams, hereby certify that this Ordinance has been passed in its present form by the Council of Manihiki, on the nineteenth day of May, one thousand nine hundred and four.

H. WILLIAMS,

President of Council.

[Assented to by the Governor, 5th July. 1904.]

APPENDIX.

(1.) LAWS IN FORCE IN RAROTONGA AT THE DECLARATION
OF THE PROTECTORATE, 27TH OCTOBER, 1888.*

[TRANSLATION.]

The LAWS of RAROTONGA. Made by the Council of the Arikis, by Makea, Karika, Tinomana, Pa, and Kainuku. Printed at the Mission-house, Rarotonga, 1879.

“I have not come to destroy the law, but to fulfil it.”—Matt. v. 17.

OUR law is no respecter of persons. The penalty, from the Chief to the least, from the Native to the foreigner, is the same. All people are alike before the law.

[The following is a summary of the laws. A literal translation is not given, as they contain much exposition and commentary which, however useful to the Natives at the time, is not considered necessary in an English version. The enactments only are therefore given.—F.J.M.]

I.—SORCERY.

No one is allowed to make evil use of any of God’s works, such as asking a sorcerer to find out the cause of sickness, or as to the discovery of a thief. The penalty is, for the sorcerer \$10 fine, and for the person asking him \$5, and forfeiture of any money that may have been paid to the sorcerer. See Lev. xx. 6, Deut. xviii. 11, Is. viii. 19.

II.—MURDER.

“Thou shalt not kill.”—Ex. xx. 13.

He who strikes a man, and that man dies, shall be judged. Here is the penalty: He also shall die (Ex. xxi. 12). If any man wilfully and of intent cause the death of another he too shall die (Ex. xxi. 14). If he fail in his intent he shall still be judged, and his penalty one year in prison, with such labour as the chief may decide. He will sleep in the prison at night.

If a man slay another in self-defence he shall not be judged.

III.—THE FALLING AXE.

If an axe fall when a man is using it, and another is killed by the fall, and there has been no intention to kill him, it will not be judged as murder.

* See Appendix to Journals of House of Representatives for 1891, Session II., A.-3, pp. 28-33.

The penalty shall be a fine of \$20, to pacify the friends of the dead. If the injured person die not, but be only severely hurt, then the fine shall be \$10 ; if slightly injured, \$5. This also shall be the law when the death or injury shall be from a gun in bird-shooting, from a harpoon when fishing at sea, &c.

If a man throws a stone at a pig and it strikes a person and death follows, without evil intention on the part of the thrower, he shall be fined \$20, half of which shall be paid to the friends of the deceased.

IV.—HOUSE-BURNING.

If a man burn a house, and the people in it are killed thereby, he too shall die. If the burning be accidental he shall be fined \$20, to be given to the owner of the house.

If a man with evil intent burn a house, and the things in it, but not the people, are destroyed, he shall be kept in irons for two years, and his land be given to the owner of the burnt house. If he have no land he shall be kept in irons for three years.

V.—DISPUTES ABOUT LAND

If a chief enter the land of another chief and claim it the law shall decide between them. If the chief who is in the wrong persist in that wrong, then all the chiefs shall assemble and decide what his punishment shall be. If he then obeys the law he shall only be admonished, but if he refuse after three warnings the land shall be taken from him and given to its rightful owner ; and for the offence he shall be fined \$20.

VI.—HUSBAND AND WIFE.

If a man takes another's wife he shall be fined \$20, of which his chief shall have one half and the husband the other half. Such also will be the penalty of a wife leaving her husband in the same way.

The unmarried man who takes another's wife shall be fined also \$20 ; and unmarried women taking others' husbands shall be dealt with in the same way. Unmarried men and unmarried women committing fornication shall be fined \$8—i.e., \$4 each. If they have no money they shall pay in goods or property ; and if they have nothing they shall be put to work on the roads, or at burning lime, or cutting and bringing in firewood.

VII.—STEALING AND SPEARING PIGS.

“Thou shalt not steal.”—Ex. xx. 15.

Pig-stealing.—For this, the thief shall pay four pigs like the one stolen. Of these, one will go to the chief, one to the police, and two to the owner of the stolen pig. If the man who steals have no pigs, then he must pay enough in money to buy the four. If another shall have assisted in stealing the pigs he too shall pay fourfold ; and any who have eaten of the stolen

pig shall each pay twofold. If they have neither pigs, goods, nor money they shall be put to work on the roads, burning lime, cutting firewood, or any other work that the owner of the stolen pig shall desire.

Should a person steal a plough or an ox he will be fined \$40, of which \$30 shall go to the owner of the plough or ox, \$5 to the chief, and \$5 to the Judge. For stealing a horse he will pay \$45, of which \$35 shall go to the owner, \$5 to the chief, and \$5 to the Judge. If a sheep or goat, he shall pay \$10, of which \$5 shall go the owner, \$2½ each to the chief and Judges.

Spearing a Pig, &c.—If this be done in the village he shall pay \$10. If inland, on a plantation, he will not be judged, provided that he made known what he has done. If not made known he will be fined \$10. If a horse be speared, or an ox, the same law shall apply; but the fine in each case shall be \$30. If a person is obstinate in running horses and cattle inland month after month, and he do so for three months, he will be fined \$10. So also with pigs; but the fine shall then be \$5.

Stealing Turkeys and Fowls.—For stealing a turkey he shall repay fourfold; and any one eating of the stolen turkey shall repay two turkeys for each of which he has partaken. So also for stealing fowls, ducks, and eggs.

Stealing Food of all Kinds.—The following are the fines: Stealing bananas, kumeras, taro, or pine-apples, \$4; and if two are engaged in stealing the pine-apples they shall pay \$4 each. For stealing cocoanuts, sugar-cane, oranges, or coffee-plants, \$4 each; and the same for all other kinds of food.

If a person going to his work eat any kind of growing fruit on his way he shall not be judged.

In stealing Money, &c.—For every shilling stolen he shall repay \$1, and so fourfold for any money stolen. If the thief have no money his property shall be sold to pay the fine. For stealing other articles than money he shall also return fourfold, two parts to go to the owner, one to the chief, and one to the police.

VIII.—BEARING FALSE EVIDENCE.

“Thou shalt not bear false witness,” &c.—Ex. xx. 16.

If any one sees a theft being committed he must give the alarm, so that the people may come and there may be proper and many witnesses. If you merely go to the policeman yourself it will be of no avail, and if one bear false witness against another he shall be fined \$5, of which one and a half goes to the chief, two to the aggrieved person, and one and a half to the police.

IX.—UNCONFESSED CRIMES.

If an offence be not proved the accused party will be released, but if at a future time it can be proved he will be judged, and the penalty will be \$4 fine for the first inquiry and \$4 for the second.

X.—THE WIDOW AND THE FATHERLESS.

When the husband dies, if the widow be left with children they shall remain upon the land ; but if she do evil and be found guilty three times she shall be removed, because she has done evil to her guardian the law. If she marries again she shall also leave the land. Her children will remain, and the land be with them. If there be no children the brother of the dead husband will take the land. If no relation be alive the land will go back to the chief or the Mataiapo, and remain with him.

XI.—THE MAN WHO EXALTS HIMSELF ABOVE HIS ARIKI, HIS MATAIAPO, RANGATIRA, OR ELDER BROTHER.

When trouble arises between Arikis, Mataiapos, or Rangatiras, and one goes to another Ariki, Mataiapo, or Rangatira and takes the land with him, and does not leave it in the hands of the rightful lord, that is not right. For example : if one comes to Avarua from Arorangi and hands over the right to the land to any one at Avarua, that is wrong. The same with Ngatangiua. Never under any conditions is this right. Here is the penalty : His land shall be all taken from him ; not a piece shall be left. Only when he returns and repents his wrongdoing, and humbles himself therefor, will the land be given back to him. Should he not do this the land will not on any account be returned to him.

XII.—INCITING TO MISCHIEF.

When any one incites the Arikis, Mataiapos, or Rangatiras to do ill he shall be judged. His penalty shall be to build a stone fence or wall 10 fathoms long, to clear ground, or burn lime, &c.

XIII.—THE ARIKI WHO DISTURBS THE PEACE, ETC.

When an Ariki quarrels with another, or a Mataiapo with a Mataiapo, or a Rangatira with a Rangatira, or one man with another man, the Ariki, Mataiapo, or Rangatira that is judged to be wrong shall be deprived of office, and the man so judged will be fined. Arikis, Mataiapos, Rangatiras, and other men will come all alike under this law. The fine imposed will be to build a stone wall, burn lime, &c., equivalent to \$100 in money.

XIV.—ABOUT WILLS.

When a person is dying let him make his will openly, in presence of the Ariki, Judges, and many witnesses. Then there will be abundant evidence, and the will be right for the wife, for the children, the friend, or the relation, as the case may be. But if a man will a plantation to his friend, and his Ariki, or his Judge, or the authorities did not know of that will, it will be useless. This is the law of wills, and it is for the Ariki, the Judge, and the authorities to watch over it.

XV.—IMPORTED LIQUOR.

[Forbidding all importations, under fines to all concerned, and forfeiture of the liquor. Of the fines, one-third was to go to the Arikis, one-third to the police, and one-third to the informer. After a second offence the offender was to be deported. This law has long been obsolete, and become a dead-letter.]

XVI.—BUSH BEERS (made from Oranges, Bananas, or Pine-apples).

If any one drink bush beer the fine will be, for the maker \$10, for the drinker \$5. If drunk on the Sabbath the fine shall be \$15. If a man be drunk and cause disturbance at any time the fine is \$15. If he has no money let him pay in goods, and if he has nothing let him be put on the roads, or burn lime, &c.

The meeting to drink bush beer is unlawful, and those who meet shall be punished as above. If the meeting be on the plantation of one of them the fine will be \$6 each instead of \$5.

XVII.—FOR BEING DRUNK.

If a man drinks till he is drunk he will be fined \$6, whatever kind of drink it may have been. If it be in the village, and he causes damage to a house, the fine will be \$10. If two drunken men fight, \$10 each. If no money, they must work on the roads, or burn lime, &c.

XVIII.—BUYING AND SELLING.

If two men make a bargain, and one breaks it and returns the article bought, it shall be decided who is in the wrong, and the article disposed of accordingly.

Concerning unsound articles, such as a shirt that is rotten, money that is bad, axes that are broken, &c., let them all be returned and proper things given instead.

XIX.—HOUSEBREAKING.

For breaking into a house and stealing the fine will be \$15, and if the thief have no money, work on the roads, &c.

XX.—THE FOREIGNER WHO DESERTS HIS SHIP.

He will be judged and fined \$10, half to go to the Ariki, and half to the informer. If the vessel has left he will still be judged, and do work ashore for one month. He who helps a foreigner to desert will also be fined \$10. If he have no pig nor property of other kind with which to pay the fine he will be put on the road to make 40 fathoms long by 2 fathoms broad, and if not that, to cut firewood to the extent of two boat-loads.

XXI.—FOREIGNERS RESIDING ASHORE.

When a foreigner desires to reside ashore he cannot buy land. It is for the man with whom he lives to feed him and get payment. Under no circumstance can land be sold to him.

No captain is allowed to leave a sick man ashore secretly. Under no circumstances shall he be allowed to land men with infectious diseases, lest we all die. When the captain brings a sick man ashore, and the Ariki allows him to leave the man, he shall give to the person who is to feed his sick man \$30.

When a foreigner wishes to live ashore, and to get a piece of land to build a house on, it is not right that he should have it. Let him pay rent by the month for a house, and live in it. When the year is ended let him make a new agreement, and so on.

Again, let no foreigner and Maori make a secret agreement. Let it be done before the Ariki and many people. Then if trouble comes there will be many witnesses, and we can know who is in the right. The man to whom the house belongs must not forget the owner of the land in which it is built.

Again, when a boat comes to the shore people must not rush into the water and take hold of the foreigner and crowd him. When he is on shore that is the time to receive him as a friend. He who breaks this law will be fined \$5.

XXII.—MARKET-HOUSE.

[This law is long obsolete in Rarotonga, but a similar law is in force in some other of the islands.] (1.) When a captain comes ashore the authorities in charge of the market-house are to inquire what produce he wishes to buy, and to make it known to the people. (2.) No one to interfere between the captain and the authorities of the market-house, but all to be quiet, "so that it may be seen we are an orderly people." (3.) Chiefs are not to take the best pieces of cloth for their own use: "Let them have a share, and the people a share also." But if money only be paid by the captain it is right that it should go to the chief. (4.) No one is to stand up and call out that he has anything to sell. The person in charge of the market is the proper one to take all the things and deal with them. The authorities must be very vigilant to prevent the interference of one with another in the market-house, and the police are to take into custody any who do not obey these authorities.

XXIII.—SABBATH OBSERVANCE.

The exposition in this case is full and in detail, but the enactments are—
 (1) There shall be no trading on the Sabbath; (2) all avoidable work prohibited; (3) the sacredness of the day to be recognised and observed; (4) no one to walk about from house to house while the people are in church,

except to visit a sick friend, or to help to strengthen the house against a hurricane, or if a pig dies to get it in and cook it, or if a canoe is carried out to sea to recover it, or to cook food for those who come from sea or a journey, and to bring water if there is none in the house, &c. A policeman may also walk about, and if a vessel arrives on the Sabbath a boat may go off to see if they require food or drink, which may then be taken to them. Food for the family may be cooked in the morning, or at any time for a sick person. Medicine may be fetched, but if people travel needlessly from one place to another they will be fined \$5.

XXIV.—THE WOMAN THAT DOES NOT CLEAVE TO HER HUSBAND AND THE HUSBAND THAT DOES NOT CLEAVE TO HIS WIFE.

Let these be fined \$5 each if they quarrel and separate. If they have no money the husband is to burn lime, cut firewood, &c. The wife in that case is to make 5 fathoms of matting in length and 2 in breadth. They must not be divorced when thus separating.

XXV.—TATTOOING.

It is forbidden for men and women to tattoo each others' names or marks upon themselves. The fine for this is \$4.

XXVI.—THE HUSBAND THAT RUNS AWAY IN A SHIP.

When five years absent his wife may be divorced and marry again.

XXVII.—WRONGFULLY TAKING FOOD.

When any feast, such as a marriage, &c., is being held, and food and things are brought, the things must not be rushed. Sit quietly, and when you have received your share go in peace. If you have no share do not rush, but rise up and go away quietly. If you do otherwise the fine will be \$5, or its equivalent in goods, labour, &c.

XXVIII.—CATTLE TRESPASSING.

If for only one night or for three nights do not mind. If more it is for the law to speak. The owner must pay four things for the damage: one of these must be a pig, and the other three, goods or trade. If the owner has not these he must replant the land injured by his animal.

XXIX.—CHILDREN WHO LEAVE THEIR HOME.

When a father has lectured his child for this wrongdoing, and the child does not pay attention, let him be made to do 5 fathoms of stone wall, a yard and a half broad.

XXX.—REBELLIOUS CHILDREN.

Children who strike a father or mother will be made to do 10 fathoms of stone wall and be put for two months in the stocks. If they repent they may be released.

XXXI.—THE MAN WHO NEGLECTS TO PLANT FOOD.

Let his name be published and his laziness be denounced by sound of drum. If at the end of the year his plantation is still neglected let him be made to do 10 fathoms of road.

XXXII.—LOST GOODS.

If found by another man than the owner the finder must make it known. If hidden his fine shall be \$5.

XXXIII.—GOING ABOUT AT NIGHT.

Only fishermen and people for a proper cause shall do this. Any one else doing so after 9 o'clock, let him do 5 fathoms of road 2 fathoms broad. [This and several similar laws have become obsolete at Rarotonga, but are enforced still at other of the islands.]

XXXIV.—AGAINST TAKING PEOPLE AWAY.

No captains of vessels shall do this secretly. Let the agreement be made openly before the Ariki, and what is right will then be done and made known. No agreement shall be made in the house of a foreigner, but it shall be before the Ariki and the missionary.

XXXV.—UNLAWFULLY ON PREMISES.

If adultery be committed in the house of the Ariki, of the missionary, or of any person, the offender shall be judged guilty of house-breaking, and his fine \$10.

XXXVI.—THROWING BALLAST INTO THE HARBOUR.

When vessels are here they must not do this. If they do the fine will be \$10.

XXXVII.—STRONG DRINK ON BOARD OF VESSELS.

[This law also has never been enforced, and is long obsolete. It provided that the Harbourmaster should seal up all liquor on board a vessel arriving in the harbour. On her departure he was again to visit her, and see that the seals or mark put on by him had not been disturbed. If they had been, the captain was to be put in irons and fined \$100.]

XXXVIII.—LAW OF DEBT.

No debt is allowed between Natives and foreigners. Do not get into debt, or the law will speak. Give and take. That is well. To the foreigner the law says, do not give credit to the Natives. If you do the law will not help you.

XXXIX.—VESSELS COMING TO RAROTONGA.

When vessels lay off and on, if any one coming ashore from them does wrong he will be tried by the law. If she anchors within three miles, and the law is broken on board of her, the authorities on shore will take the matter up and the law will deal with it as if broken on shore.

XL.—BUYING OR SELLING.

No one shall bring coffee and copra to the market undried. They must be dry and sound. The Native who breaks this law shall be put in irons. To the foreigner we say, do not bring rotten cloth, or money that is not of full value. If you do it will be for the law to speak. Bring only good things and good money, so that no wrong may be done.

XLI.—QUARRELLING AND DRAWING BLOOD.

When one strikes another in a quarrel, or throws a stone or takes a knife or an axe, and blood is drawn by him, and the person injured does not die, he shall pay \$10 for blood-spilling.

XLII.—FOREIGN LABOUR.

Neither foreigners nor Natives are allowed to bring labourers from another land. Penalty, \$20.

XLIII.—EMPLOYING LABOUR ASHORE.

If a person goes to get labour he must first get the authorities to agree to it, and if they do not agree it must not be done. If he breaks this law his fine will be \$50.

XLIV.—THE ROAD.

All must work for one month in each year upon the roads. Those who fail will be fined \$2.50.

XLV.

Resisting the police or any one in authority will be punished by a fine of \$5.

XLVI.—CARD-PLAYING.

Card-playing is not allowed in this land. Any who break this law shall be fined as follows : The owner of the cards \$10, the players \$5 each.

These are our laws.

MAKEA.	P.A.
KARIKA.	KAINUKU.
TINOMANA.	

The Arikis of Rarotonga.

ADDITIONAL LAW.

The following translation was published with the law, but neither the law nor the translation had signature or date. It is supposed to have been passed in 1888, and has always been a dead letter :—

The Law concerning Intoxicating Liquor, Native and Foreign.

Intoxicating liquor, whether made by Natives or imported by whites, is not legalised on the Island of Rarotonga. No, not in any way is intoxicating liquor agreed to. Take heed to this, all ye who are so persistent in the use of this article prohibited by law. Intoxicating liquor manufactured on the island, and also all imported intoxicating liquor ; strong drink, whether made by Natives or imported by foreigners—there is no exception made ; every kind of intoxicating liquor is totally prohibited.

The law runs as follows :—

Clause 1, the fine.—If a Native or a foreigner violate the first clause of the law he will be liable to a fine of \$100.

Clause 2, the fine.—If a Native or a foreigner violate the second clause of the law he will be liable to a fine of \$50.

Clause 3, the fine.—If a Native or a foreigner violate the third clause of the law he will be liable to a penalty of \$15.

Clause No. 1.—Every Native that manufactures intoxicating drink ; every merchant that imports intoxicating drink, be he a Native or a foreigner, be he a subject of this kingdom or of some other country—he who manufactures intoxicating drink from products of the land, and he who imports intoxicating drink, violates the first clause of the law.

Clause No. 2.—Every person resident on the island that trades in drink, be he a Native or a foreigner, a subject of this kingdom or of some other country, violates the second clause of the law.

Clause No. 3.—The purchaser of intoxicating drink, and every one that partakes of that drink in company with the purchaser, be he Native or white man, also he who partakes of Native-made drink, violates the third clause of the law.

(2.) LAWS OF RAROTONGA PASSED SINCE THE PROTECTORATE
AND PRIOR TO 1891.*

No. 1 (22nd November, 1890).—LIQUOR LAW.

This law has been passed by the Arikis and chiefs of Rarotonga in Council on the 22nd November, and is in force from this day, the 24th November, 1890:—

“No person, be he Native or foreigner, shall sell spirituous liquor to any Native. Any person so doing from this day will be fined \$150 cash. The Native who buys such liquor will also be fined \$5 cash. As to the making and drinking of orange and other beers of that kind, the old law is still in force. The Council has appointed the following to give effect to this law and to try all offenders:—

“TEPOU, for the District of Avarua. TAKAO, for the District of Arorangi.
MAOVETE, for the District of Takitumu.”

[See No. 9, 24th December.]

No. 2 (22nd December, 1890).—FOR UPHOLDING THE LAW.

1. All existing Courts of law shall remain in full force, and all Judges remain in office till removed by a vote of the General Council, approved by the Council of the Arikis.

2. All future Judges will be appointed by the ruling Ariki of the district in which the Judge's Court is to sit.

3. All existing laws shall continue in force till repealed.

4. The summonses and judgments of the Courts shall be obeyed by all persons. Any one disobeying them, or in any way obstructing the proceedings of a Court of law shall be adjudged guilty of contempt, and be liable to a fine not exceeding \$20. If the fine be not paid forthwith, a proportionate amount of hard labour shall be substituted, at the discretion of the Judge of the Court concerned.

No. 3 (22nd December, 1890).—TO REGULATE THE PROCEEDINGS OF THE GENERAL COUNCIL.

1. The General Council shall meet on the 3rd day of May and the 3rd day of November in each year, at 9 a.m., and shall adjourn from day to day to the same hour, unless otherwise ordered, until the business is ended.

2. If either of the days fall on a Sunday, the day following shall be substituted.

* See Appendix to Journals of House of Representatives for 1891, Session II., A.-3.. pp. 33-36.

3. The Council to be convened on the 3rd May next shall meet at such place as the British Resident may appoint, and he shall summon it accordingly.

4. No business shall be done unless five members be present, and the names of those present whenever a law is passed shall be duly recorded.

5. A special session may at any time be convened by the President of the Council on written directions to that effect being given to him by the ruling Arikis, or any two thereof.

No. 4 (22nd December, 1890).—WHEN LAWS ARE TO TAKE EFFECT.

1. All laws hereafter made shall take effect from the publication of the same, unless a date shall have been specially named in the law itself.

2. Publication shall be made by affixing not less than two copies in convenient public places, to be notified as adopted for that purpose by the ruling Ariki of each district.

No. 5 (22nd December, 1890).—FINES.

1. All fines shall be paid in cash, or substituted labour equivalent thereto, and any law providing for payment in goods or in any other way than by cash or labour is hereby repealed.

No. 6 (22nd December, 1890).—DOG-TAX.

All dogs are hereby taxed \$1 each per year.

No. 7 (22nd December, 1890).—IMPORTED BIRDS' PROTECTION.

1. The President of the Council may proclaim any imported birds as protected under this law. No one shall then disturb or do them an injury.

2. Any one doing so shall be liable to a fine not exceeding \$20.

No. 8 (22nd December, 1890).—POWER OF PARDON.

1. The Council of the Arikis may remit or reduce any penalty imposed by a Court of law, or may pardon any offender under sentence of such Court of law.

No. 9 (24th December, 1890).—LIQUOR LAW.

1. A Licensing Officer shall be appointed by the Council, and in case of vacancy when the Council is not in session a temporary appointment shall be made by the Arikis. The Licensing Officer can only be removed from office by the vote of the General Council, approved by the Council of the Arikis.

2. The duty of the Licensing Officer shall be to take charge of all intoxicating liquors within the Protectorate on the coming into operation of this law, and of any intoxicating liquors that may hereafter be imported.

3. The Licensing Officer shall provide a suitable store and office at Avatiu or Avarua for the storage of intoxicating liquor in his charge.

4. The Licensing Officer shall issue such liquor only in accordance with the provisions of this law.

5. All owners of liquor will, on or before the 10th January, 1891, make a return to the Licensing Officer of the quantities in their possession, and he will thereupon take charge thereof.

6. Where the said liquors are held in reasonable quantities at the houses of the owners for their own use, the Licensing Officer will at his discretion allow them to remain there. In all other cases he will require that they be placed in the bond or store appointed for that purpose.

7. The Licensing Officer will keep the said liquors carefully in store at the risk of the owners thereof.

8. The said owners shall have access to the store to inspect their property on any week-day between the hours of 10 and 3, Saturdays excepted, when the hours shall be from 10 till 12.

9. No intoxicating liquor shall hereafter be sold and delivered by any one except to persons to whom a permit to purchase or receive the same shall have been granted by the Licensing Officer ; and the Licensing Officer, on delivery of any liquor so authorised, shall retain the permit and file it as a record. In the case of Natives, the permit shall only be issued on the written authority of the ruling Ariki of the district ; but the foreigner shall go only to the Licensing Officer.

10. If the Licensing Officer should have reason to believe that permits are being improperly obtained to defeat the purposes of this law, he may decline to issue the same till satisfied to the contrary.

11. On all intoxicating liquors within the Protectorate, whether for the owner's use or for sale, the following charges shall be made by the Licensing Officer on the permit being issued by him :—

Spirits of all kinds	..	..	..	\$1.50 per gallon.
Wines	..	..	..	0.30 "
Beer	..	..	..	0.15 "

Six reputed quart bottles, and twelve reputed pint bottles, shall be reckoned as one gallon.

12. Any person infringing any of the provisions of this law shall be liable to a fine not exceeding \$150.

13. Any person found guilty of drunkenness shall be liable to a fine not exceeding \$5.

14. All fines or fees levied under this law shall be public revenue, and held at the disposal of the General Council, subject to approval by the Council of the Arikis.

15. A return of all cases adjudicated upon under this law before the British Resident shall have formally entered upon his duties in Rarotonga shall be compiled monthly and sent by the Judge for the information of His Excellency the Governor of New Zealand.

16. The friends of any person habitually getting drunk, or to whom intoxicating liquor is known to be injurious, or, failing such friends, the Licensing Officer or a policeman, may apply to the Court of the district for an order prohibiting the sale or gift of liquor to such person. Such order, if granted, shall be forthwith published, and any person disobeying it shall be punished as provided for those guilty of contempt of Court.

17. The Licensing Officer may, on information duly received, enter upon any premises and take possession of any intoxicating liquor thereon which he has reason to believe is in possession contrary to the provisions of this law. He shall then prosecute the person in whose possession it has been found, and upon such person shall rest the onus of proving that he is in lawful possession of the same.

18. All laws at present relating to the sale of or dealing with imported liquors are hereby repealed, so far as such sale or dealing is concerned, on the coming into operation of this law. Those relating to orange-beer or other fermented liquors illegally manufactured within the Protectorate will continue in full force and effect.

19. This law will come into operation on the 10th January, 1891.

No. 10 (24th December, 1890).—QUARANTINE.

1. The pilot-boat shall be the first to put any person on board a ship arriving from other ports than those within the Cook Group.
2. The captain or officer in charge will inform the boarding-officer whether he has sickness on board.
3. If there be sickness he will hoist a yellow flag, and hold no communication with the shore till duly authorised.
4. The fine will be a sum not exceeding \$500 for a breach of this law.

No. 11 (24th December, 1890).—FURIOUS RIDING OR DRIVING.

Any one driving or riding furiously on the public highway will be liable to a fine not exceeding \$10.

(3.) OLD LAWS OF NIUE, AS REVISED IN 1900.*

TRANSLATION OF NIUE LAWS.

THESE laws were made by the chiefs and rulers of this Island of Niue at their Fono (assembly) at Alofi, 1st December, 1875. At the assembly of the King, chiefs, and rulers of Niue at Uhomotu, 5th June, 1900, the above laws were passed in a revised form, and other laws added thereto.

Stealing.

Stealing is defined as the taking of any movable property dishonestly from the possession of its owner.

Whoever steals, either from the field, or premises, or house of another (if any person enters a house to steal, even though he does not succeed in carrying anything away, he shall be guilty), or from any store in the island, or from ships off the island, upon conviction he shall work upon the roads for a term not exceeding six months, or make ovens of lime equivalent to above sentence. But women convicted of theft shall make mats, or do other work suitable for women, according to the offence committed, to be equal in duration to the punishment inflicted upon men.

Cheating.

Whoever shall obtain from another money or property by dishonesty or falsehood, or shall adulterate food or produce with any foreign substance so as to increase the weight thereof, or shall conceal a stone or weighty substance in basket of produce, or sell arrowroot or copra insufficiently dried in order to add to its weight, shall, on conviction, restore the amount obtained by fraud; also work on the roads or make lime-ovens for any term not exceeding two months. But women, upon conviction of above offence, shall make mats or do other women's work equal to above as a punishment.

Lost Property.

Whoever shall find any lost property shall deliver it to its owner; but if the owner be unknown he shall deliver it to the Mayor (*Pule he Maga*), who shall have it proclaimed. If the owner be not found at the expiration of twenty-eight days, the property shall belong to the finder.

Stealing Bush, and removing or overstepping Land-marks.

Whoever shall remove the land-marks, or overstep them, or appropriate the land (bush) of another, shall, upon conviction, pay a fine of 8s. sterling.

Destruction of Property.

Whoever shall wilfully destroy or damage any property, animal, or plantation shall, upon conviction, pay the value of the damaged property to the

* See Appendix to Journals of House of Representatives for 1902, A.-3, p. 4.

owner, and may further be ordered to work on the roads for any term not exceeding two months.

Arson.

Whoever shall wilfully set fire to any building shall, on conviction, work on the roads for a term not exceeding six months, and shall pay to the owner the value of the property destroyed.

Assault.

The following are grievous bodily injuries : (1) Destruction of an eye or an ear ; (2) dislocation of a joint ; (3) fracture of a bone ; (4) serious wounds in the head or face ; (5) injuries that endanger life or prevent the injured person from following his occupation for twenty days.

Whoever shall cause grevious bodily injury to another with malicious intent, upon conviction of assault as above, shall pay damages in a sum not exceeding £2 sterling ; also work on the roads for a term not exceeding six months.

The following are petty assaults : (1) Striking with the hand ; (2) drawing blood ; spitting or throwing liquid upon another ; (4) tearing another's hair or biting ; (5) pushing another ; (6) seizing and tearing the clothes of another ; (7) making any gesture to commit an assault.

Whoever shall commit any of these offences in anger or in malice, and without grave provocation, shall be liable, on conviction, to a fine not exceeding £2, or to work on the roads for a term not exceeding fourteen days, or to make an oven of lime.

Quarrelling.

Whoever shall quarrel and cause a disturbance in the village shall be liable to a fine not exceeding £1. In default, to work on the roads for a term equivalent to the amount inflicted as fine.

Minor Offences.

Whoever shall commit any of the following acts shall, on conviction, be liable to a fine not exceeding 10s. : Using threatening, abusive, or indecent language to any person ; (2) gambling for money.

Drunkenness.

It is illegal for Natives of this island to import, or buy, or use spirituous liquor. Whoever shall be convicted of drunkenness shall be liable to a fine not exceeding £1.

Fornication.

Whoever shall be convicted of fornication, for first offence, shall be liable to one week's labour in making lime-oven or work on the roads ; for second offence, an oven of lime involving two weeks' work.

A woman convicted of fornication, for first offence, shall be liable to work on the roads for the term of one week ; for second offence, two weeks' work on the roads.

If the above wish to marry, the punishment shall cease upon the day of their marriage.

Adultery.

If any man shall abduct the wife of another, or any woman shall entice the husband of another woman and commit adultery, the man who shall be convicted of abducting the wife of another, or the woman of enticing the husband of another woman, shall be liable to a fine not exceeding £2; also to work on the roads for a term not exceeding three months.

Eloping with Another Man's Wife.

Whoever shall abduct the wife of another man to the bush or elsewhere, that she might become his wife, shall be liable to the following punishment: £5 damages for the lawful husband of the woman and £5 fine to be given to the Government; total, £10 sterling, to be paid by the man who has stolen the wife of another. He shall also work on the roads for the term of six months.

Visiting Ships for Immoral Purposes.

If any woman shall go aboard of ships off the island for immoral purposes, upon conviction she shall pay a fine of £1. In default of payment, shall work on the roads for a term of two weeks.

Abducting Women to Ships.

Whoever shall take any female to a ship for immoral purposes shall, on conviction, work on the roads for a term not exceeding two months.

Procuring Abortion.

Whoever shall give any drug to or commit any act upon a woman with the intention of causing her to miscarry shall, on conviction, work on the roads for a period not exceeding six months; and any woman who procures or attempts to procure her own miscarriage shall, on conviction, work on the roads for a term not exceeding six months, or do a task of mat-making or other Native manufacture with her own hands. Any accomplice or accomplices shall also, upon conviction, be liable to the above punishment.

Laws respecting Land, Cocoanut Plantations, &c.

If a man and his wife plant cocoanuts on land given them by their respective fathers (*matua*), in the event of the man or woman dying the said plantations belong to the surviving parent and their children; and on the death of the remaining parent their children shall inherit the land. If the children also die, the cocoanuts planted on land belonging to the father shall pass to his nearest of kin, and the cocoanuts planted on land belonging to the mother shall pass to her nearest of kin. The relatives of the husband shall not claim cocoanuts planted on the wife's land, and the relatives of the wife shall not inherit plantations made on land belonging to the husband.

A *patu* (*patu* = head of family or clan) owning large plantations of cocoanuts with a numerous family of sons and daughters. These marry, and, with their children, reside and work on the land of the aforesaid *patu*. In the course of years the *patu* and his sons and daughters die, one son or daughter with wife (or husband) and family, only remaining. But some of the children of deceased also survive. The above surviving son or daughter appropriates the cocoanut plantations, not giving any to the children of deceased's brothers and sisters : The law of the land shall take away from this man and restore to the children severally the portions of land and cocoanuts belonging to their deceased parents.

If a *patu* divides his cocoanut plantations, appropriating to each son and daughter their share of his land, his will shall be respected ; and the land thus bequeathed shall remain the property of his children and their heirs for ever.

Disobedient sons who wander to other lands, and when at home are lazy and dissolute, not helping at all in the work of the plantations, but appropriating the father's cocoanuts and living upon the fruits of his industry : Upon the father making known his case to the Judges, such sons shall be dealt with by the law of the island.

A *patu* has one son, for whom he has planted cocoanuts ; but in his old age a nephew visits him with a present of food. Thereupon the *patu* tells the nephew that at his decease he shall inherit his cocoanut plantation. Another nephew comes to him in the same way, and he promises the plantation to him as to the previous visitor. The same thing happens again with a more-distant relative. Thus three times he has given away the same plantation. At the death of the *patu* each of these relatives claim the said cocoanut-trees. Unless there be a written will confirmed by witnesses none of these claims are valid, but the land and cocoanut-trees shall belong to his own son.

A man who has one son only adopts the child of his sister and a child of his brother. To these three children, in equal shares, he bequeaths his property, land, and plantations : The portion of land thus bequeathed shall belong to them severally and their heirs according to the will of deceased.

A *patu*, in heathen times, with his three wives, also his sisters, live on the same land. The sisters marry and, with their respective husbands, occupy one side of the land, and the *patu* and his wives the other. The *patu* and his wives plant cocoanuts ; also the sisters and their husbands. The children of one wife shall not inherit the plantations of another, but each family shall keep to the land given by the *patu* to their own mother on which cocoanuts were planted for her and her children. In like manner, the children of the sisters shall not inherit the plantations of their mother's brother, but each family shall keep to the land originally allotted to the sisters by the deceased brother.

A *patu* shall plant cocoanuts for himself, his wife, and children ; his brothers also and sisters shall each make plantations for themselves and their several families.

A *patu* who has twice married and has children by each marriage, upon the decease of the father the children of the first marriage shall inherit the plantations made for them by the deceased *patu* and their mother. The children also of the second wife shall inherit the cocoanuts planted for them by the deceased father and their mother. If the *patu* did not plant cocoanuts for the former or the second wife, to prevent strife between the two families the law of the island shall decide as to their portions.

A *patu* or *patu fifine* (a woman who is a householder) unmarried and childless, but possessing cocoanut and other plantations. In old age the children of the brother or sister live with and wait upon their relative, in consideration of which service the *patu* or *patu fifine* bequeaths the plantations to the said nieces or nephews to be divided amongst them. The plantations shall be appointed to the said nieces or nephews according to the expressed wish of deceased ; or, if there be but one such niece or nephew, the land and cocoanuts shall belong to such one alone if so willed by deceased.

A *patu*, having plantations of cocoanuts, has one son and two daughters. He intends giving his land and cocoanut-trees to his son ; but, the son dying before his father, he bequeaths all to the younger daughter, to be hers after his own and his wife's death. The father dying, the mother and daughters occupy the land. On the marriage of the elder daughter the mother gives her some land and cocoanut-trees. The younger sister also marries and has a family, but her sister is childless. The mother dying, and subsequently the elder sister, after the death of the elder sister, there being no children, the younger sister, to whom the land was given by her father, requests the husband of her deceased sister to return to his own family ; but he elects to remain, and claims the land and cocoanut-trees which he and his late wife occupied. But this not according to Niue custom ; the law will take the land from him and restore it to the younger sister, to whom it rightly belongs.

The son of a *patu* marries the daughter of another *patu*. After the marriage the father-in-law, with his family, build a house and reside upon the land (*kaina*) of the son-in-law. The son-in-law leaves the island or dies and the father-in-law remains in possession, whereupon the brother of the said son-in-law claims the land and cocoanut-trees, it being the property of his brother inherited from their father ; but those in possession being stronger than he refuse to give up the land. The land rightly belongs to the brother of the deceased son-in-law, and not to the father-in-law or his family. The rulers shall decide whether the said brother shall take the whole of the land, or whether a portion of it be given to the occupants who have taken possession of the said land.

Two men with lands adjoining each other ; one has bearing cocoanut-trees the other not. The one who has cocoanut-trees accepts money or money-value from the other, not in purchase of the land, but as a bond of agreement, and the two men work together and enlarge their cocoanut plantations, sharing the produce. On the death of the fathers the sons shall take the shares

of their fathers, but other relatives of the deceased shall not have any claim upon the land. The plantations shall belong to the children of the deceased, who agreed to work the land in partnership. Whoever shall oppose the above laws, and not accept the decision of the Judges, shall be liable to a fine of £1, and the land shall be restored to its rightful owner.

Land given in Niue for the erection of churches, schoolhouses, the residences of teachers, &c. : These lands shall be preserved and guarded by the Church and by the law of the land for the purpose for which the said lands were given. These lands, as above stated, shall remain for the use of the Church from generation to generation for ever.

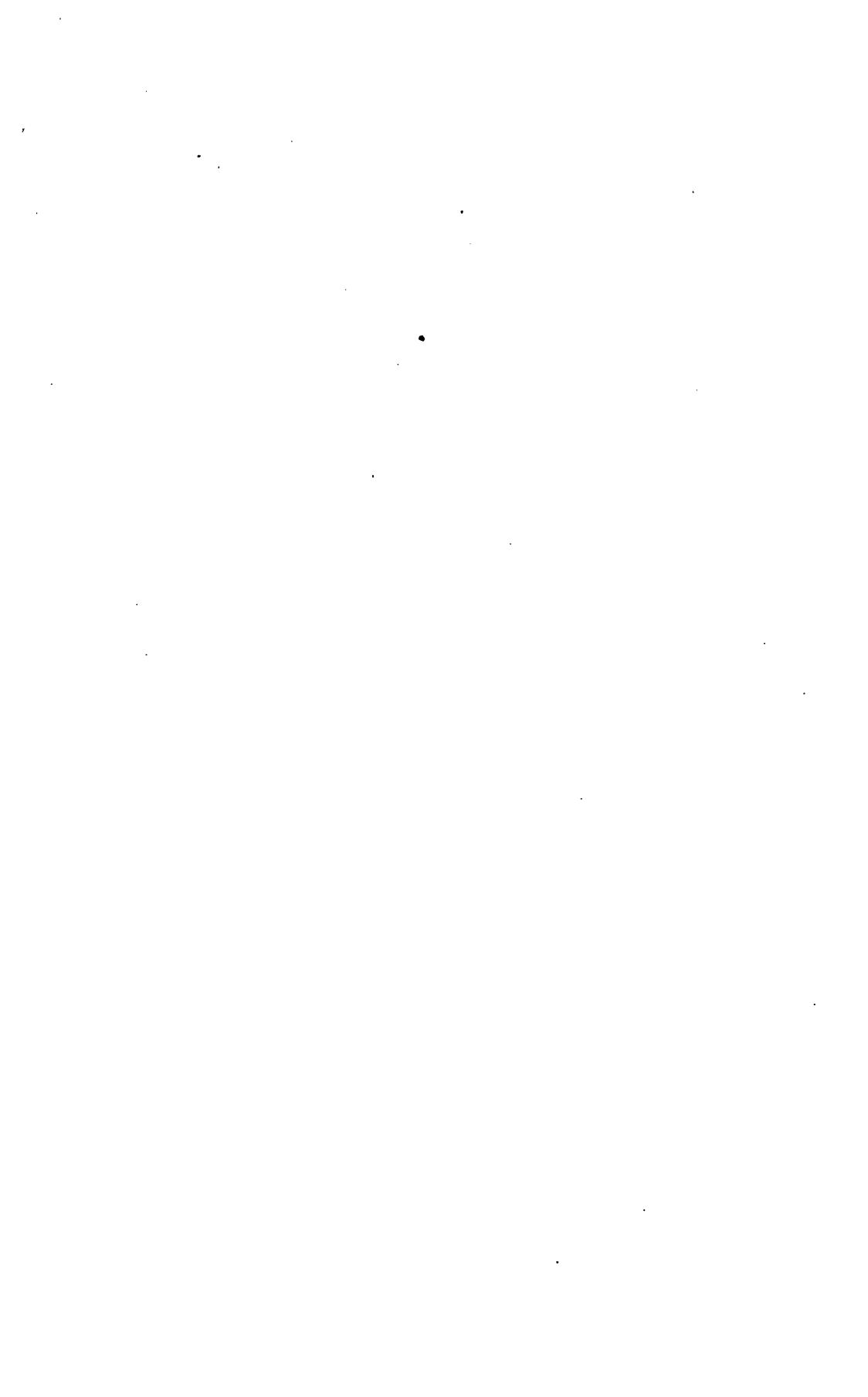
That is all.

Agreed to at meeting of the chiefs and rulers at Alofi, 22nd May, 1900.

Confirmed at Fono at Uhomotu, 5th June, 1900.

TOGIA,

The King of Niue Fekau.



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